## **EXHIBIT A**

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	ORAL & VIDEO DEPOSITION of JAMES YBARRA, produced as a	15	
	witness at the instance of the Plaintiffs, and duly sworn, was	16	
	taken in the above-styled and numbered cause on JANUARY 31, 2017,	17	
	from 10:08 a.m. to 12:14 p.m., before Darlene Zuehl, Certified	18	
	Shorthand Reporter in and for the State of Texas, reported by	19	
	method of machine shorthand, at the Law Offices of Hoblit,	20	
	Darling, Ralls, Hernandez, & Hudlow, L.L.P., 6243 IH-10 West, Suite 601, San Antonio, Bexar County, Texas, pursuant to the	21	
	Federal Rules of Civil Procedure and the provisions stated on the	1	
	record or attached hereto.	22	
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	3		
L	APPEARANCES	1 1	THE VIDEOCD ADDED. Today's data is January 21 at
	APPEARANCES	1	
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	Page 5		Page 7
1	A Correct.	1	A Okay.
2	Q You never saw him?	2	Q Some of them luckily may be. Respond as appropriate.
3	A Correct.	3	A Okay.
4	Q You weren't present when he was apprehended?	4	Q If there's something you say that I want to follow up
5	A Correct.	5	on, trust me I'll ask you more questions. If you don't
6	Q You weren't present when there was an altercation or a	6	understand my question, you can ask me to rephrase it and I'll do
7	struggle been various officers and him? .	7	it. When we start watching the video, take your time. I doubt
8	A Correct.	8	you've watched your COBAN video recently, or have you?
9	Q We have some COBAN video from your vehicle that shows a	9	A I just did.
10	number of people, and we're going to talk about that at some	10	Q Okay. This morning?
11	point, but I want to know if you had any discussions with I	11	A Or parts of it
12	think it's Virgil, or any of the other SWAT officers who were	12	Q Okay.
13	involved in apprehending Mr. Carlos?	13	A not the full video.
14	MR. RALLS: Objection; vague as to time, but you	14	Q Okay. Have you ever seen a transcript for the COBAN
15	can still answer the question.	15	video where the audio
16	THE WITNESS: Can you repeat the question, please?	16	A No.
17	Q (BY MR. STEWARD:) Sure. And we'll get to the video,	17	Q During the last 10 years, have you ever left your
18	but at approximately 2:50 on May the 20th, 2014, there's a group	18	assignment with SWAT?
19	meeting, and it's a number of different officers, and I think	19	A No.
20	Virgil was one of those officers. So let me ask it this way: Do	20	Q You've never worked for internal affairs?
21	you remember Virgil being at the scene of the suspect's car after	21	A No.
22	the apprehension of the suspect?	22	Q And on May the 20th, 2014, you would have been on the
23	A No, I don't remember Car Carlos or Virgil being	23	day shift?
24	there.	24 25	A Correct.
25	Q Okay. Is your badge number still 855?	25	Q So you would have gone in around 10:00?
	Page 6		Page 8
1	A Yes.	1	A Correct.
. 2	Q Are you still a SWAT?	2	Q And, in fact, when you first heard about the suspect,
3	A Yes.	3	you were eating lunch?
4	Q What does SWAT stand for?	4	A Correct.
5	A Special Weapons and Tactics.	5	Q Where?
6	Q When did you join SWAT?	6	A Alamo Cafe.
7	A September 2006.	7	Q Which one?
8	Q Why did you join SWAT?	8	A On I-10 and Wurzbach area.
9	A That's what I wanted to do. Can you hear me?	9	Q Who was with you?
10	Q Sure. In your experience, does SWAT officers have a	10	A I can't tell, like, exactly who was there, but I would
11	reputation within the force?	11	assume oh, I can't assume. I would I believe it would be
12	MR. RALLS: Objection; vague.	12	Carlos, Virgil at the least. I don't want to assume who was
13	THE WITNESS: Can you repeat the question?	13	there. I guess everybody was on shift. We normally eat
14	Q (BY MR. STEWARD:) Sure. With your experience, over	14	altogether.
15	10 years with SWAT, do you believe that SWAT officers have a	15	MR. KOSANOVICH: I'm sorry, what did you say?
16	reputation within the SAPD?	16	THE WITNESS: We normally eat all together.
17	MR. RALLS: Objection; vague.	17	Q (BY MR. STEWARD:) So Carlos Chavez?
18	THE WITNESS: Not that I know of.	18	A I would think so.
19	Q (BY MR. STEWARD:) Back on May the 20th, 2014, did you	19	Q Possibly?
20	have a partner?	20	A Possibly.
21	A That's it probably takes a little bit more than a	21	Q And Virgil Gonzalez, possibly?
22 23	yes or no answer. I did have a partner back then, I believe, but	22	A Possibly.
24	I was riding by myself, so he could have been off that day.  Q During the course of this deposition, probably most of	23 24	Q And they're both SWAT members as well?  A Correct.
25	my questions won't be yes or no.	25	A Correct.  Q And they were in the same vehicle; correct?
			7 and may were in the same ventere, confect:

	Page 9		Page 11
1	A They ride together, correct.	1	Q And was there also, in that obstacle course, scenarios
2	Q Do you know who drives?	2	that you had to complete?
3	A No.	3	A Not when I went through it.
4	Q Have you ever seen the COBAN footage from their	4	Q Was there a target recognition test at the SWAT tryout?
5	vehicle?	5	A You're talking about when I
6	A No.	6	Q Right.
7	Q Are there SWAT tryouts?	7	A No.
8	A Yes.	8	Q Do you know if there's one now?
9	Q What happens in a SWAT tryout? What did you have to	9	A There are police scenarios involved, patrol scenarios
10	do?	10	involved now.
11	A You test the applicant's firearm ability, their	11	Q And when did that come into being?
12	physical ability, and then there's a background check, as far	12	A Maybe three or four years ago.
13	as we find out from their supervisor or coworkers, you know,	13	Q Do you know why?
14	their attendance at work and stuff like that. There's an	14	A We had a tryout coming up where a lot of the
15	interview process, and then there's a selection by the members.	15	applicants that come to the tryouts have gone through a basic
16	Q Have you ever been a part of the member selection	16	SWAT school before that we put on. So we kind of get to see who
17	group?	17	these people are, like, for 60 hours or six days straight, kind
18 19	A Everybody is a part of the member selection.	18	of kind of how they interact with people, their teammates and
4	Q So in order for someone, while you have been on SWAT,	19	stuff like that. And we had a tryout an opening on SWAT where
20 21	to become a part of SWAT, you had to be approved by the other officers who were then members?	20	we haven't had a SWAT school in a year or so, so we didn't know a
22	A Correct.	22	lot of the applicants and their backgrounds, what kind of skills they possess. So it was suggested that we have patrol-based
23	Q So there was a shooting corp, is that right, a shooting	23	scenarios added so we could kind of see how they what kind of
24	part to this test?	24	police officers they are, besides just running abilities and
25	A Correct, uh-huh. They're shooting standards, correct.	25	shooting abilities and so we added that.
	11 Contest, an ham they to shooting standards, contest.		silvetting definites and so we didded that.
	Page 10		Page 12
1	Q So you had to score over?	1	Q Who suggested that?
2	A A 90.	2	A I couldn't tell you exactly who. It would have come
3	Q With what?	3	from the officers on the team.
4	A Pistol.	4	Q Within SWAT is there any specialized training that you
5	Q And there's a PT test?	5	receive?
6	A Correct.	6	A Yes.
7	Q You had to score over 200?	7	Q And back when you started, can you tell me what that
8	A Correct.	8	training would have been?
9	Q And that combines sit-ups, pull-ups, push-ups, and a	9	A There's a number of stuff that we go through to learn
10	run?	10	all the new weapons that we're exposed to. The chemical agents
10 11	A I don't believe there's pull-ups. I believe it's body	11	that we're exposed to and stuff like that.
10 11 12	A I don't believe there's pull-ups. I believe it's body fat. There could be pull-ups in there now. I don't remember.	11 12	that we're exposed to and stuff like that.  Q Is there retraining?
10 11 12 13	A I don't believe there's pull-ups. I believe it's body fat. There could be pull-ups in there now. I don't remember.  Q Certainly there was a timed run?	11 12 13	that we're exposed to and stuff like that.  Q Is there retraining?  A There's team training once a week, and that covers vast
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	Page 1	3	Page 15
1	A Mark Delgado.	1	A Yes.
2	Q Is Detective Delgado still your supervisor?	2	Q And do you recall when you separated? Was it 2000?
3	MR. RALLS: Objection	3	A No, it was about the same time I joined SAPD. I
4	THE WITNESS: He's my sergeant, but yes, he is	4	would '99.
5	still my supervisor.	5	Q Did the Marines pay for your education at SAC?
6	Q (BY MR. STEWARD:) Is that officer the officer who	6	A Part of it. I had the GI Bill.
7	would evaluate you yearly?	7	Q You first joined the Bexar County Sheriff's Department;
8	A Correct.	8	is that right?
9	Q Do you recall Chavez or Gonzalez going through the SWA?	Г 9	A Correct.
10	selection or the SWAT tryout while you were an officer?	10	Q And from what we've seen, what has been produced to us,
11	A I've been on longer, yes. Do I remember their	11	it looks like you started in August of 1996. Does that seem
12	particular tryout, I couldn't tell you.	12	about right?
13	Q Okay. Where did you go to high school?	13	A About right.
14	A I'm sorry?	14	Q Did you or were you a jailer?
15	Q Where did you go to high school?	15	A Yes.
16	A Madison High School.	16	Q For how long?
17	Q When did you get out?	17	A My the duration of it, about four years, I would
18	A 1991.	18	think.
19	Q When did you join the Marines?	19	Q Did you receive any training regarding the use of force
20	A 1991.	20	from Bexar County Sheriff's Office?
21 .	Q How long did you how long were you active duty?	21	A Yes.
22	A I wasn't.	22	Q And would all of that training have been focused on
23	Q What happened?	23	interaction between the jailers and the inmates?
24	A I was Reserve the whole time.	24	A Can you repeat that?
25	Q How long were you in the Reserves?	25	Q Sure. Would that training have been focused on the
	Page 14		Page 16
		- 1	1 1090 10
1	A Eight years.	1	interaction between jailers like you and inmates at Bexar County
1 2	A Eight years.  Q Why didn't you go into active duty?		
		1	interaction between jailers like you and inmates at Bexar County
2	Q Why didn't you go into active duty?	1 2	interaction between jailers like you and inmates at Bexar County Sheriff's Office?
2	<ul><li>Q Why didn't you go into active duty?</li><li>A Because I wanted to go to college.</li></ul>	1 2 3	interaction between jailers like you and inmates at Bexar County Sheriff's Office?  A Yeah, I would believe so.
2 3 4	<ul><li>Q Why didn't you go into active duty?</li><li>A Because I wanted to go to college.</li><li>Q Was it your understanding that you couldn't go to</li></ul>	1 2 3 4	interaction between jailers like you and inmates at Bexar County Sheriff's Office?  A Yeah, I would believe so.  Q Did you ever receive any training from Bexar County
2 3 4 5	Q Why didn't you go into active duty? A Because I wanted to go to college. Q Was it your understanding that you couldn't go to college and go to the Marines?	1 2 3 4 5	interaction between jailers like you and inmates at Bexar County Sheriff's Office?  A Yeah, I would believe so.  Q Did you ever receive any training from Bexar County Bexar County Sheriff's Office regarding civilians, non-inmates,
2 3 4 5 6	Q Why didn't you go into active duty? A Because I wanted to go to college. Q Was it your understanding that you couldn't go to college and go to the Marines? A My understanding was that it would have been easier to	1 2 3 4 5 6	interaction between jailers like you and inmates at Bexar County Sheriff's Office?  A Yeah, I would believe so.  Q Did you ever receive any training from Bexar County Bexar County Sheriff's Office regarding civilians, non-inmates, and the use of force?
2 3 4 5 6 7	Q Why didn't you go into active duty?  A Because I wanted to go to college.  Q Was it your understanding that you couldn't go to college and go to the Marines?  A My understanding was that it would have been easier to do it Reserve and versus while active duty, me getting	1 2 3 4 5 6	interaction between jailers like you and inmates at Bexar County Sheriff's Office?  A Yeah, I would believe so. Q Did you ever receive any training from Bexar County Bexar County Sheriff's Office regarding civilians, non-inmates, and the use of force?  A I can't recall, but I would assume so.
2 3 4 5 6 7 8	Q Why didn't you go into active duty?  A Because I wanted to go to college.  Q Was it your understanding that you couldn't go to college and go to the Marines?  A My understanding was that it would have been easier to do it Reserve and versus while active duty, me getting deployed to different places.	1 2 3 4 5 6 7 8	interaction between jailers like you and inmates at Bexar County Sheriff's Office?  A Yeah, I would believe so. Q Did you ever receive any training from Bexar County Bexar County Sheriff's Office regarding civilians, non-inmates, and the use of force?  A I can't recall, but I would assume so. Q What was the training that you did receive regarding
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	Page 17		Page 19
1	A Yes.	1	Q But you didn't start with SAPD for almost eight months;
2	Q When you started strike that.	2	is that right?
3	There's a point where you leave the detention	3	A That's probably the time I was in the academy. Maybe
4	center and actually become a peace officer with Bexar County; is	4	they considered me a civilian then.
5	that right?	5	Q How long is the academy, how many weeks?
6	A No, it was	6	A I'm not sure.
7	Q The opposite?	7	Q The records indicate that you your service start
8	A It was hand in hand. No.	8	date was March 31st, 2000.
9	Q Oh, at the same time?	9	A That's the day we graduated the academy.
10	A Same time.	10	Q So you've been with the force almost 17 years?
11	Q Okay.	11	A Almost 17.
12	A When you're working the jail, you're most people's	12	Q And Philippus was the chief when you started?
13	goal is to get on patrol, and to do that, you have to be a	13	A Correct.
14	licensed peace officer.	14	Q Going back to SWAT, and specifically going to May of
15	Q And when did you become a licensed peace officer,	15	or May the 20th, 2014, what was your assignment that day?
16	approximately?	16	A I don't believe we had a particular assignment besides
17	A I'm not too sure. It was through SAC. Before I left	17	being available, like we always are, for follow-up units or
18	Bexar County.	18	critical incidents and stuff like that. We might have had a
19	Q From what we've seen it looks like you graduated with	19	directed patrol assignment, but I'm not sure.
20	your criminal justice degree in May of 1997. Okay. If that's an	20	Q And do you remember if you were at Alamo Cafe when you
21	accurate date	21	received notification about the suspect?
22	A I don't think that's an accurate date.	22	A Yes.
23	Q Okay.	23	Q And how did you receive that notification?
24	A Are you talking about my degree or my peace officer's	24	A I believe it was a phone call.
25	license?	25	Q Through a cell phone?
23	neerise.		Q Through a cen phone.
		1	
	Page 18		Page 20
1	Page 18  Q No, your degree.	1	A Correct.
1 2		1 2	•
	Q No, your degree.		A Correct.
2	Q No, your degree.  A No. I believe I was on SAPD when I went back and got	2	A Correct. Q From whom?
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	Page 21		Page 23
1	who was following the suspect?	1	that's fine. I'll do it as best I can, but invariably I change
2	A I don't know who was doing it. They normally do it	2	the question a little bit. So listen to the second question
3	with multiple officers.	3	that's asked because it may be a little bit different than the
4	Q Have you ever seen any COBAN footage from the other	4	first one. Okay?
5	officers who may have been following the suspect before you	5	A All right.
6	became involved?	6	Q All right. How long do you think it took before you
7	A No.	7	first saw the suspect's vehicle?
8	Q When you assisted Del is it detective?	8	A After the phone call?
9	A Uh-huh.	9	Q Right.
10	Q When you assisted Detective DeLeon, did you provide the	10	A 10 minutes, 15 minutes. I'm not too sure.
11	other SWAT members with that information?	11	Q So he had been well, strike that.
12	A Correct.	12	Who was the suspect?
13	Q Who?	13	A I would have to look at my report to get his name
14	A The officers on duty eating with me.	14	correct.
15	Q Anyone else?	15	Q Did Detective DeLeon give you the suspect's name?
16	A Possibly my supervisor would have been informed too.	16	A I don't remember.
17	Q So the officers that were eating with you, you just	17	Q Do you know if Detective DeLeon gave you a description
18	would have told them?	18	of the suspect?
19	A Uh-huh, correct.	19	A I don't remember.
20	Q The officer your supervisor, you would have had to	20	Q Did he provide you with a description of the vehicle?
21	communicate with him?	21	A I don't remember.
22	A Correct.	22	Q And I think you said a little bit earlier you would
23	Q How?	23	have to look at your offense report?
24	A Either through a phone or through the radio	24	A Correct. For the suspect's name?
25	transmission.	25	Q Right.
	Page 22		Page 24
			•
1	Q Is there any reason why Detective DeLeon didn't use a	1	A Correct.
2	radio transmission to contact you	2	A Correct.  Q Did you review your offense report before your
2	radio transmission to contact you MR. KOSANOVICH: Objection; form, calls for	2	A Correct.  Q Did you review your offense report before your deposition today?
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	Page 25		Page 27
			Page 27
1	Q Did he ever, Detective DeLeon, contact you via phone	1	patrolmen, was three golf the preferred channel?
2	and ask you what had happened?  A I don't believe so.	2	A If they're going to get ahold of us over the police
3		3	radio, it would be on three golf.
4 5	Q And the cell phone you had would have been issued to you by SAPD?	4	Q And how would you actually turn your radio on to three
6	A Correct.	5 6	golf; what would you physically have to do?
7		7	A There's buttons to change the prefix number from one to
8	Q Now, going back to communications, you had, in your patrol car, your radio; correct?	8	three, and then there's a knob to change it from alpha to golf.  Q Do you have any recollection as to when you first saw
9	A Uh-huh.	9	Q Do you have any recollection as to when you first saw or first contacted the suspect?
10	O A walkie-talkie?	10	A Yes.
11	A Well, that's my police radio is issued to me. It's	11	Q When, approximately?
12	not in the car.	12	A In his vehicle, drove past me.
13	Q Okay.	13	Q So were you actually driving on what roadway when that
14	A I had it on me.	14	happened?
15	O Where?	15	A I was stopped at the access road of 410 and 151.
16	A On my police belt.	16	Q And what happened when that vehicle rolled past you?
17	Q Can you describe it?	17	A He had the green light, so he went I would call
18	A A handheld Motorola radio.	18	it northbound on 151 access road, and I was stationary facing
19	Q Okay. Any other forms of communication that would have	19	west on the access road when the vehicle drove past.
20	been on your body?	20	Q Did you contact any other officers to let them know
21	A Cell phone.	21	that you ID'd the suspect?
22	Q Okay. Anything else?	22	A I'm sure I did.
23	A Forms of communication, not that I know of.	23	Q How?
24	Q Where would for the radio, where would the mike have	24	A Would have been over the police radio.
25	been?	25	Q Which channel?
	·		
	Page 26		Page 28
1	A It's in the radio, pick it up, handheld.	1	A There's two different channels that normally get worked
2	Q So you wouldn't have a mike or	2	off of because we're on SWAT. One partner is on three golf,
3	A Lapel mike.	3	one's on three lima, or actually, the working channel for that
4	Q a lapel mike?	4	day would have been three lima since we were helping out Gabe's
5	A No.	5	unit. I was by myself, so I was going back and forth, so I don't
6	Q Right. So if you needed to speak through the radio you	6	know. It would have been one or the other.
7	would have to actually pull it out and innervate it, or turn it	7	Q Before strike that.
8	on?	8	Between the time that you received the phone call
9	A Correct.	9	from Detective DeLeon and actually seeing the suspect, do you
10	Q How would you, with the radio, mute the radio?	10	recall any information from other officers coming in about the
11	A I don't believe you can. I mean, if you're not pushing	11	suspect?
12	the button to speak	12	A Information that I received from other officers would
13	Q It's not going to communicate.	13	probably have been the direction of flight of the vehicle, as far
14	A you're not going to communicate to anybody. You'll	14	as where they're following him at, so we could meet up with them.
15	just receive transmission.	15	Q Did you notice any other police officers when that
16	Q Before you received the call on the cell phone, would	16	vehicle when the suspect drove past you?
17	your radio have been dialed to a specific station or channel?	17	A No.
18	A Correct.	18	Q Are you aware of any other vehicles or police officers
19	Q What?	19	pursuing the suspect at the same time you did?
20	A The SWAT channel.	20	A No.
21	Q Which is?	21	Q The offense report that you reviewed before the
22	A Three golf.	22	deposition, that would have been just for the apprehension of the
23	Q Who has access to that channel?	23	suspect; correct?
		. 24	A Command Itle Foundles accounts
24	A Anybody with a police radio.	24	A Correct. It's for the suspect, correct.
24 25	A Anybody with a police radio.  Q If you wanted to contact other SWAT officers or	25	Q Were there any eyewitnesses to the apprehension of that

	Page 29		Page 31
1	suspect?	1	Q So they could reach you at any time?
2	MR. KOSANOVICH: Objection; form, calls for	2	A Correct.
3	speculation.	3	Q Whereas, with the radio they might not be able to reach
4	THE WITNESS: Besides policemen?	4	you because you might not have it with you?
5	Q (BY MR. STEWARD:) Right.	5	A The cell phone is for for 24 hours a day. My radio
6	A No.	6	might not be on 24 hours a day.
7	Q Who were the policemen involved in the apprehension of	7	Q Okay. We have placed in front of you a document, which
8	the suspect?	8	I believe is your police report; is that correct?
9	A I don't want to give the incorrect names, so I'm not	9	A A copy of my police report, yes.
10	sure.	10	Q And we
11	Q Well, let me ask	11	MR. RALLS: And take your time take your time
12	A I believe Raul Romero was one of them, because he was	12	and look at it just to verify that we didn't make a mistake. And
13	on my report as the transporting officer.	13	by by the way, for the record, yeah, it looks like it was
14	Q What does the transporting officer do?	14	produced under RFP Carlos Response RFP 03275 to
15	A He took the suspect you transport the suspect from	15	MR. STEWARD: 3279?
16	location to where we needed him to go.	16	MR. RALLS: Yeah.
17	Q Baptist Hospital?	17	MR. STEWARD: Okay.
18	A It was a hospital, I'm not sure if it was Baptist, and	18	Q (BY MR. STEWARD:) Does that look like it's your
19	then to the jail.	19	report?
20	Q Would the transporting officer have stayed with the	20	A Yes.
21	suspect at whatever hospital it may have been and then	21	Q It's four pages?
22	transported him to the jail, if you know?	22	A Yes.
23	A For the most part, I would believe, unless they went	23	Q And it looks like from Page 1 these events started at
24	past their duty hours and then he would have been relieved.	24	1420 hours?
25	Q Any other officers that you can identify that were	25	A Uh-huh.
	Page 20		Dags 22
,	Page 30		Page 32
1	involved with the apprehension of the suspect?	1	Q Is that right?
2 3	A No.  Q And this information about who the other officers may	2	A Yes.
4	Q And this information about who the other officers may have been, whether they were eyewitnesses, that would all be	4	Q And you reported the events at 1600? A Correct.
5	contained in the offense report; correct?	5	Q So it started about 2:20, and you reported it all of
6	A In my office report?	6	this at four o'clock?
7	Q Yes.	7	A Correct.
8	A No.	8	Q Okay.
9	Where would it be contained in?	9	A When it says reported, that's probably the time I wrote
10	A In their reports.	10	my report.
11	Q But if other officers were involved in the apprehension	11	Q And when you draft your report, physically what do you
12	of the suspect, and you did an offense report, you would list	12	have to do?
13	those officers, would you not?	13	A Nowadays, you log onto a computer and pull up the
14	A Not necessarily. Sometimes you can just refer to their	14	the form on the computer and fill it out.
15	reports. They would have wrote a report also.	15	Q Is that what you did with this?
16	MR. STEWARD: Let's go off the record for a sec.	16	A Yes.
17	THE VIDEOGRAPHER: Time is 10:41 a.m. We're off	17	Q Where was the computer?
18	the record.	18	A They they have them in the patrol car. They have
19	(Recess taken)	19	them at the jail. They have them at the substations. I'm not
20	(Exhibit 34 marked)	20	sure where this one was drafted at.
21	THE VIDEOGRAPHER: Time is 10:51 a.m. We're back	21	Q And in that system there is a form that you actually go
22	on the record.	22	through and fill out?
23	Q (BY MR. STEWARD:) Officer, why why were you or	23	A It looks just like this.
24	why were you given a cell phone?	24	Q Okay. Did you have any assistance filling out this
25	A We're on call.	25	form?

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I	Page 33		Page 35
1	A No.	1	Q Do do you believe that his tattoos were memorable?
2	Q So under "notified detective" on the first page there's	2	A I don't remember this guy's tattoos.
3	a check, and it has "Detective G. Valedez." Do you see that?	3	Q Were they distinctive?
4	A Yes.	4	A I don't know.
5	Q Who is that?	5	Q Were the tattoos used as a part of your attempt to
6	A That was the detective in charge of this case.	6	identify this person?
7	Q That was not the person who called you on the cell	7	MR. RALLS: Objection; vague as to time.
8	phone?	8	THE WITNESS: No.
9	A That was not the person who called me.	9	Q (BY MR. STEWARD:) Did the telephone call or the cell
10	Q How did you get that name?	10	call inform you of the warrant?
11	A He was at the scene.	11	A Yes.
12	Q And below that it has "notified supervisor," and it has	12	Q And what was the warrant for?
13	your supervisor's name; is that right?	13	A Family violence, felony offense, I believe.
14	A Yes.	14	Q When?
15	Q Then below that it has "primary offense," and what does	15	A When was the family violence?
16	it say or what's that code for?	16	Q Right.
17	A Possession with intent to deliver controlled substance,	17	A I don't know.
18	penalty group one, 4 grams to 200 grams.	18	Q Did that matter?
19	Q Of what? Do you know what the substance was?	19	A The time of the offense, no.
20	A I believe it tested positive out in the field for	20	Q Below that, under "arrest," it has 1425 as the arrest
21	methamphetamine.	21	date and time; is that right?
22	Q And was methamphetamine found both inside the vehicle	22	A I don't see where you're look okay. I see.
23	and in the area around the vehicle?	23	Correct.
24	MR. RALLS: Objection; vague.	24	Q Is it your understanding that the suspect was under
25	THE WITNESS: Inside the vehicle and in the	25	arrest at that time?
	The Wiff Cook Inside the Vehicle and in the		areot de drat time.
-	Page 34		Page 36
1	parking lot, correct.	1	A That's probably a close estimate.
2	Q (BY MR. STEWARD:) There was also a shotgun found; is	2	Q Once the suspect was under arrest, who would you have
3	that right?	3	notified?
4	A Yes.	4	
5	Q Where was that found?		A The requirements for notification, I don't think
6	Q Where was that found?	5	there there is any, but it would have just been over the
0	A In the suspect's vehicle.	5	-
7	7	1	there there is any, but it would have just been over the
_	A In the suspect's vehicle.	6	there there is any, but it would have just been over the police radio.
7	A In the suspect's vehicle.  Q Was it found by you?	6 7	there there is any, but it would have just been over the police radio.  Q Which channel? Lima?
7	<ul><li>A In the suspect's vehicle.</li><li>Q Was it found by you?</li><li>A Yes.</li></ul>	6 7 8	there there is any, but it would have just been over the police radio.  Q Which channel? Lima?  A Probably lima, but could have been golf.
7 8 9	<ul> <li>A In the suspect's vehicle.</li> <li>Q Was it found by you?</li> <li>A Yes.</li> <li>Q On the second page, under "details," there's a</li> </ul>	6 7 8 9	there there is any, but it would have just been over the police radio.  Q Which channel? Lima?  A Probably lima, but could have been golf.  Q You were aware, at the time of his arrest, that there
7 8 9 10	A In the suspect's vehicle.  Q Was it found by you?  A Yes.  Q On the second page, under "details," there's a reference to hair color. Do you see that?	6 7 8 9	there there is any, but it would have just been over the police radio.  Q Which channel? Lima?  A Probably lima, but could have been golf.  Q You were aware, at the time of his arrest, that there were other SWAT officers responding?
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7 8 9 10 11	A In the suspect's vehicle.  Q Was it found by you?  A Yes.  Q On the second page, under "details," there's a reference to hair color. Do you see that?  A Yes.  Q And someone wrote "black."	6 7 8 9 10 11 12	there there is any, but it would have just been over the police radio.  Q Which channel? Lima?  A Probably lima, but could have been golf.  Q You were aware, at the time of his arrest, that there were other SWAT officers responding?  A Can you repeat that?  Q You were aware, at the time of the arrest, if it's at
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	Page 37		Page 39
1	radio by me, whichever channel, they should have been notified.	1	to take the VIN from that Camry and run it?
2	Q (BY MR. STEWARD:) Have you ever had a conversation	2	A I would have run the license plate versus the VIN.
3	with Carlos Chavez or Virgilio Gonzalez about when they first	3	Q How about a serial number? Did you run any serial
4	became aware that this suspect had been placed under arrest?	4	numbers from either the shotgun or potentially the vehicle at the
5	A Repeat, please.	5	scene?
6	Q Sure. Have you had a conversation since this took	6	A That would have been done whether it was by me or
7	place with Carlos Chavez or Virgilio Gonzalez about when they	7	somebody else, it would have been done.
8	first learned that the suspect had been placed under arrest by	8	Q Do you know if that was the serial number for the
9	you?	9	shotgun?
10	MR. RALLS: Let me just make an objection and	10	A I would assume it was, yes.
11	instruct you not to answer any con about any conversations	11	Q So on the third page you identify the things that were
12	that you had with them after the lawsuit was filed, after you	12	taken from that vehicle; is that correct?
13	were served with the lawsuit, so but prior to that is fine.	13	A Where are you seeing that at? For recovery
14	THE WITNESS: Specific conversations, I can't	14	Q Down
15	recall.	15	A property.
16	Q (BY MR. STEWARD:) You are aware that they pursued and	16	Q Correct.
17	apprehended another individual; correct?	17	A Okay.
18	A Correct.	18	Q So there's one firearm, which was a shotgun. Do you
19	Q And at the time you apprehended the suspect, you could	19	see that?
20	not see them, could you?	20	A Yes.
21	A Correct.	21	Q And do you know what kind of a shotgun it was, and by
22	Q You could not hear them?	22	that, I mean gauge?
23	A Correct.	23	A No.
24	Q You did not know where they were?	24	Q So going to the the last page. You were asked by
25	A Correct.	25	Detective DeLeon to switch your radio to three lima?
			:
	Page 38		
	rage 36		Page 40
1	_	1	Page 40   A Uh-huh.
1 2		1 2	
	Q They did not come to assist you in apprehending this	l	A Uh-huh.
2	Q They did not come to assist you in apprehending this suspect, did you did they?	2	A Uh-huh.  Q Would that have been at 1420 or before that?
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1	Page 41		Page 43
	evidence at this point.	1	A I could hear the transcripts or I could hear the
2	Q (BY MR. STEWARD:) Did you know, after the phone call	2	radio broadcast.
3	at Alamo Cafe, that Chavez and Gonzalez were going to assist you?	3	Q Okay. And I think I asked earlier, but I want to make
4	A Yes, I knew that.	4	sure, have you ever seen a transcript of your COBAN?
5	Q Okay. So when you switched your radio back to three	5	A No.
6	golf to double-check that the other SWAT units were nearby, did	6	Q You did not inventory the Camry until after the suspect
7	you have an understanding as to where Gonzalez and Chavez were	7	was under arrest; is that right?
8	going?	8	A Inventory, I just collected the evidence or somebody
9	A No. I knew the people that were eating with me were	9	collected the evidence. I'm not sure it was inventoried or who
10	going to try to locate the suspect also, but I was by myself and	10	did that.
11	I was the first one to pay. So I left before everybody else.	11	Q The property was not collected until after the suspect
12	Now, they would have left after they paid their bill. So that's	12	was apprehended and handcuffed?
13	why I wanted to see where they were at.	13	A Correct.
14	Q Were they going to go to generally the same place that	14	Q Who is Officer Rodriguez?
15	you were going to?	15	A He is a member of the SWAT team.
16	A Uh-huh.	16	Q So that's another unit of SWAT that was present?
17	Q Which was where?	17	A Correct.
18	A They were they would have listened to the trans	18	Q Who was his partner?
19	the broadcast over the radio to find out where the suspect was	19	A He was fairly new then. I don't know who he would be
20	at.	20	riding with.
21	Q Who was going to participate in setting out the	21	Q Do you know was he what he was riding in?
22	quadrant?	22	A A patrol car or yeah, is that what you were asking?
23	A The officers who were showing up to help me out.	23	Q Who was in the white truck?
24	Q How many officers are necessary to create a quadrant?	24	A I don't know.
25	A Are necessary?	25	Q And the testing of the methamphetamines, would that
	Page 42		, Page 44
1	Q Right.	1	have been done by the detective?
2	A I don't know. More than one would probably be the	2	A It says here that Detective Valedez tested it.
3	minimum.	3	Q And would that have been done prior to your completing
4	Q Did you have an understanding as to how many SWAT	4	this remove?
5	officers were responding?		this report?
_		5	A Yes.
6	A Did I have an understanding?	5 6	-
	<ul><li>A Did I have an understanding?</li><li>Q Sure.</li></ul>		A Yes.
6	<ul><li>Q Sure.</li><li>A More than one group.</li></ul>	6	A Yes.  Q Let's watch the video because there are a few things on the video that I want some clarification on.  A Okay.
6 7	<ul><li>Q Sure.</li><li>A More than one group.</li><li>Q Well, you were sitting with two of them?</li></ul>	6 7	A Yes.  Q Let's watch the video because there are a few things on the video that I want some clarification on.  A Okay.  Q And I think you stated a little bit earlier that you
6 7 8 9	<ul><li>Q Sure.</li><li>A More than one group.</li><li>Q Well, you were sitting with two of them?</li><li>A Yeah, that's one unit.</li></ul>	6 7 8	A Yes.  Q Let's watch the video because there are a few things on the video that I want some clarification on.  A Okay.  Q And I think you stated a little bit earlier that youyou actually saw the video.
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6 7 8 9 .10 11 12 13 14 15 16 17 18 19 20 21 22	Q Sure. A More than one group. Q Well, you were sitting with two of them? A Yeah, that's one unit. Q Okay. Did anyone else contact you during your pursuit of the suspect and tell you, hey, we're in pursuit also? A I would have to listen or find the transcript, but I don't know if anybody acknowledged that they were behind me, but or trying to catch up to us. Q Transcript of what? A Or the tape to listen to the radio transcripts or the radio broadcast. Q On which channel or both? A Yeah, or both, yeah. Q So you could go to the transcript of three lima or three golf from	6 7 8 9 10 11 12 13 14 15 16 17 18 19 20 21 22	A Yes.  Q Let's watch the video because there are a few things on the video that I want some clarification on.  A Okay.  Q And I think you stated a little bit earlier that youyou actually saw the video.  A I saw up until when he bails out of the car.  Q Okay. So you didn't watch after, when other officers respond and go to the vehicle?  A No.  Q Okay. Some of this will be fairly new to you.  A Okay.  (Video Playing).  Q (BY MR. STEWARD:) So this is the first footage that we have.  A Okay.  Q And can you tell the jury what is depicted in this footage?

	Page 45		Page 47
1	A The shopping center near 151 and 410.	1	going onto?
2	Q There's a point where you start seeing letters on the	2	A That's 151.
3	display, like L and M and one. What does that mean?	3	Q And there's no indication at this point, from at least
4	A I believe it's the lights are activated and then the	4	visually, that anything other than the lights and this and a
5	microphone is activated.	5	mike might be on, if that's what M1 stands for; is that right?
6	O Where would the mike	6	A Can you
7	A I would have to seen the what you're talking about.	7	MR. RALLS: Okay.
8	Q Okay. But L may be light?	8	THE WITNESS: Can you repeat the question, please?
9	A Uh-huh.	9	Q (BY MR. STEWARD:) Sure. Just based upon the display,
10	Q So your lights would not have been on at this point; is	10	I see L and I see M1, but I don't see anything else. So it's not
11	that right?	11	muted at this point; correct?
12	A No, they're not on.	12	A Correct.
13	Q What does that mean?	13	Q Because if it was, there would be something that
14	A Mike on mike one on, so.	14	indicated that it was muted?
15	Q How is that turned on or off?	15	MR. KOSANOVICH: Objection; form, calls for
16	A I believe the L is when I activated my lights, it	16	speculation.
17	automatically turned on the microphone.	17	MR. STEWARD: If you know.
18		18	THE WITNESS: I don't know.
19	Q So if the lights are on the mike is automatically turned on?	19	Q (BY MR. STEWARD:) So where are you at this point when
20		20	you exit the roadway or exit the highway?
21	A (Moving head up and down).	21	
22	Q Is there a way to turn the mike off but the lights	22	A That's that's 151, so I'm now on the access road of
	still being on?	23	151.
23	A Yes.		Q And the vehicle that's immediately in front of you,
24	Q How?	24	that's the gold Camry?
25	A There's a mute button on your microphone that goes to	25	A Correct.
***************************************	Page 46		Page 48
1	d.		O With the second to the
	the camera.	1	Q With the suspect suspect in it?
2	the camera.  Q And where is that microphone?	2	A Correct.
2		1	
	Q And where is that microphone?	2	A Correct.
3	<ul><li>Q And where is that microphone?</li><li>A And there's also a video cutoff on the screen.</li></ul>	2	A Correct.  Q At that point, were you able to determine if the
3 4	<ul><li>Q And where is that microphone?</li><li>A And there's also a video cutoff on the screen.</li><li>Q So going back to the mute button on the microphone,</li></ul>	2 3 4	A Correct.  Q At that point, were you able to determine if the suspect had any other people in the vehicle?
3 4 5	<ul> <li>Q And where is that microphone?</li> <li>A And there's also a video cutoff on the screen.</li> <li>Q So going back to the mute button on the microphone, where would that be physically?</li> </ul>	2 3 4 5	A Correct.  Q At that point, were you able to determine if the suspect had any other people in the vehicle?  A No.
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3 4 5 6 7	<ul> <li>Q And where is that microphone?</li> <li>A And there's also a video cutoff on the screen.</li> <li>Q So going back to the mute button on the microphone, where would that be physically?</li> <li>A Wherever the officer has his microphone.</li> <li>Q Where did you have your microphone?</li> </ul>	2 3 4 5 6 7	A Correct.  Q At that point, were you able to determine if the suspect had any other people in the vehicle?  A No.  Q And you certainly weren't able at this point to figure out or determine where he was going?
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	Page 49		Page 51
1	_	1	
1 2	Q And is that the Rudy's that he ultimately pulls in?  A Yes.	1 2	Q So you believe that at the time you're in this
3	Q Are you familiar with that Rudy's?	3	location, he is on the other side of the Camry, but he has not cleared the building yet, or do you know?
4	A Yes.	4	A He I do not have sight of him now. I saw a brief
5	Q How many ways are out of that Rudy's are there or were	5	glimpse of him coming into the driveway and he was already on
6	there on May the 20th, 2014?	6	foot, going behind the building.
7	A At least two.	7	Q So you wanted to loop around the building to get to the
8	Q Is there access to the Rudy's on this access road?	8	parking lot?
9	A Yes.	9	A Yeah. That's the parking lot we're already in the
10	Q So, at this point, you can see that he's pulled into	10	parking lot, but it goes all the way around the building.
11	the Rudy's?	11	Q So did you believe that he was, as of 2:24, somewhere
12	A Yes.	12	in this parking lot or in the woods beyond the parking lot
13	Q But because of the camera angle you can't really see	13	A I didn't
14	much of his vehicle, only the top; fair?	14	Q or did you know?
15	A The camera can only see that. I can	15	A I did not believe he was, at this time, into the woods.
16	Q Well, what can you see?	16	I don't think he would have had time to make it that far.
17	A Wherever my point of view was at.	17	Q Where was he found?
18	Q Where is the the camera placed for the COBAN system	18	A He was eventually found in the woods.
19	on the vehicle?	19	Q Where?
20	A To the right of the rearview mirror.	20	A Point to it is fine?
21	Q So it's above you and slightly to the right?	21	O Please.
22	A Correct.	22	A This way, along the access road.
23	Q So at this point back this up. As you're	23	Q Okay.
24	approaching, do you ever see him actually exit the vehicle?	24	A If you back up you can see it a little bit there.
25	A Yes.	25	MR. KOSANOVICH: Brian, he just pointed at the
	Page 50		Page 52
1	Q Is the door open or closed in this?	1	screen. If we could just mark that at 2:24:20 that is what he is
2	MR. RALLS: Objection; vague.	2	pointing to.
3		1	
	THE WITNESS: I can't tell. It looks closed, but	3	MR. STEWARD: Yeah.
4	THE WITNESS: I can't tell. It looks closed, but I can't tell.	3 4	MR. STEWARD: Yeah.  MR. KOSANOVICH: This was just as a point of
4 5			
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	Page 53		Page 55
1	Q So that was consistent with the description that had	1	Q At this point, now that you've secured the car, it was
2	been given to you previously?	2	your intention to go and look for the suspect; right?
3	A I don't believe a clothing description was given	3	A Yes.
4	before.	4	Q Who else was looking for the suspect?
5	Q Okay. So white T-shirt, blue jeans. Anything else?	5	A Everybody who was working the same case I was.
6	A No.	6	Q With respect to the other SWAT officers, you had paid
7	Q So this would indicate that the ignition was off?	7	first so you had actually left the restaurant first?
8	A Yeah.	8	A Yes.
9	Q And when the ignition is off	9	Q So they were behind you, as far as you knew?
10	MR. KOSANOVICH: Objection; form, calls for	10	A Yes.
11	speculation.	11	Q Have you ever looked at the COBAN video to see if you
12	Q (BY MR. STEWARD:) What does the "IGN off" mean?	12	can see their vehicle when it pulls past or between the Bill
13	A I'm not sure.	13	Miller and the Rudy's?
14	Q Okay. All right.	14	A No.
15	MR. KOSANOVICH: Well, I apologize. I thought you	15	Q Are you aware of the path that that unit traveled to
16	were asking him about ignition in the Camry.	16	traveled before it encountered my client, Roger Carlos?
17	MR. STEWARD: No, no, no. No, no, no. On the	17	A No.
18	screen.	18	Q Let me move it up a little bit. When you're pursuing
19	MR. KOSANOVICH: Okay. I'll withdraw that	19	the suspect, you have the radio that you have to actually
20	objection.	20	physically push a button to turn on; right?
21	Q (BY MR. STEWARD:) Do you know if when you walked over	21	A Yes.
22	to the Camry it was the key was in the ignition or not?	22	Q Is are there any other devices communication
23	A Yes.	23	devices that you would have which would have reported the audio
24	Q Was it on?	24	from any encounter between the suspect and you?
25	A I don't know for sure.	25	A Can you repeat that, please?
	Page 54		Page 56
1	Q Okay. Is that you?	1	Q Sure. Did you have any other communication devices
2	A Yes.	2	which would have recorded the encounter between the suspect and
3	Q What were your intentions at this point?	3	you?
4	A Make sure he didn't double back and then secure the	4	A No. Besides the COBAN mike; is that what you're
5	vehicle, so he can't double back.	5	asking?
6	Q And tell me what you're doing at this point.	6	Q Right.
7	A Reaching in, taking the keys out, and then lock the	7	A Just my radio and my COBAN mike.
8	door.	8	Q So the COBAN mike, wherever it was placed on your body,
9	Q Was there were there any jackets or clothing in the	9	how far could you go away from the vehicle for it to record?
10	vehicle?	10	A I'm not sure of the exact distance.
11	A Not that I remember.	11	Q Okay. Okay. That was we just started back at 2:27.
12	Q Was the shotgun visible at this point?	12	The truck that just passed by was not law enforcement; fair?
13	A Yes.	13	A I would assume.
14	Q Where was the shotgun?	14	Q So based upon your police report, at this point you
15	A Passenger side floorboard with the butt of the stock	15	were helping to apprehend the suspect; correct?
16	and the grip pointing towards the driver side seat.	16	A I don't want to say helping out with, but other
17	Q Did you notice anything in the back seat?	17	officers had already, I guess, arrested him, detained him, or
18	A No.	18	struggled with him already, all that stuff.
19	Q So now you have the keys, and do you have your radio in	19	Q Was there a struggle with him?
20	your hand?	20	A Yes.
21	A Yes.	21	Q What happened?
22	Q And who were you going to contact?	22	A I'm not sure.
21 41	A Oh, I'm not exactly sure what I'm saying there, but the	23	Q Were you involved in the struggle?
23	A VALUE OF CARCITY SHIE WHAT LITT MAYING HICLE, DUI HIC	1 2 3	vicie jou involved in the struggle.
23		24	A No
23 24 25	process would have been to set up a perimeter and try to locate the suspect.	24 25	A No. Q Did you observe the struggle?

1 A No. 2 Q Did they tell you about the struggle? 3 A That they were going to arrest him or that he resisted and that would be a charge on him. 5 Q So in the report where there are references to pushing and resistance, that's information that was provided to you, not information that you entail you catually save. 9 Q So who do you consider the arresting officers to have been? 9 Q So who do you consider the arresting officers to have been? 10 becar? 11 A Well, it would have been me. 1 would have been me, 12 considered the persons to initiate it, so that would have been me, 12 to the only one that I know is the one I referred to as 12 transporting the officer, would be Roal Romero. 12 transporting the officer, would be Roal Romero. 13 A Ir snot – not very familiar. 14 stopped Olay. All right. He is stopped Olay. All right. He is stopped Olay. All right. He is 255-88. Were you familiar with this area? 14 A No. 2 Q So it is 1436 at this point, so the suspect is in 23 quadrant, did you instruct the officers where the case; 14 a button, but I don't know why. 15 A No. 2 Q So it is 1436 at this point, so the suspect is in 23 custody? 15 A Correct. 15 Q Correct? 15 Q Correct? 16 A Correct. 16 Beautiful State of the person who actually placed him in handcuffs? 16 A Correct. 17 A No. 2 Q So is there a way or does the system automatically mate at some point? 18 A Ir sould have been me. That's my mike. 18 A R. KALLS: Veita, and assumes facts not in 19 periodence. 19 Q (BY MR. STEWARD) Did you have more than one mike? 19 A No. 2 Q O Why would you have mure than one mike? 19 A No. 2 Q O Why would you have mure than one mike? 2 A No. 2 Q O Why would you have mure than one mike? 2 A No. 2 Q O Why would you have mure dyour mike during your pursuit of the support) that is in the pursuit of the support. 2 Q O Why would you have mure than one mike? 2 A Lot on beine while is in the pursuit of the support. 2 Q		Page 57		Page 59
2 Q Did they tell you about the struggle? 3 A That they were going to arrest him or that he resisted 4 and that would be a charge on him. 5 Q So in the report where there are references to pushing and resistance, that is finitemation that was provided to you, not information that you — that you actually sav? 8 A Correct. 9 Q So who do you consider the arresting officers to have 10 bottlerolly on the considered the person to initiate it, so that would have been 11 considered the person to initiate it, so that would have been me, 12 but the only one that know is the not informed to as 13 to the only one that know is the not informed to as 14 transporting the officer, would be Rull Komero. 15 Q Kosy. Were going to so the 2-36. All right. It 16 stopped. Okay. All right. Here is 2:35:48. Were you familiar 17 with this are? 18 A It's not — not very familiar 19 Q Okay. Dudy you—when the officers where to go? 20 quadrant, ddy ou instruct the officers where to go? 21 A No. 22 Q So why would you muck your make after the suspect was 10 inevedore. 11 a with this are? 12 considered the person to initiate it, so that would have been me, 14 transporting the officer, would be Rull Komero. 15 Q Okay. Were going to move to 2-36. All right. It 16 stopped. Okay. All right. Here is 2:35:48. Were you familiar 17 with this are? 18 A It's not — not very familiar 19 Q Okay. Were going to move to 2-36. All right. It 20 quadrant, ddy ou instruct the officers where to go? 21 A No. 22 Q So is is 1436 at this point, so the suspect is in 23 custody? 24 A Correct. 25 Q Correct? 26 A Correct. 27 Q But you were not the person who actually placed him in 28 handleff? 29 A Correct? 20 Q So is is 1436 at this point, so the suspect is in 29 A I would have been one, or do you know? 20 A I want assume, yes 21 A No. 22 Q So is three a way or does the aystem automatically mute 23 at some point? 24 A Correct. 25 Q Correct? 26 A I would have been see system automatically mute 27 A I would have been see system automatically mute 28 A I would have been see	1	A No.	1	O He's caught?
A That they were going to arrest him or that he resisted and that would be a charge on him.  A correct.  So So in the report where there are references to pushing and resistance, that's information that was provided to you, not information that you - that you actually swy.  A Correct.  So So who do you consider the arresting officers to have been?  Considered the person to initiate it, so that would have been me, been?  Locassidered the person to initiate it, so that would have been me, but the only one that I know is the one I referred to as a transporting the officer, would be Rual Romero.  Correct.  Co Clay. Were going to move to 2:36. All right. It stopped. Okay. All right. Here is 2:35-48. Were you familiar.  Co Clay. Were going to move to 2:36. All right. It stopped. Okay. All right. Here is 2:35-48. Were you familiar.  Co Clay. Were going to move to 2:36. All right. It stopped. Okay. All right. Here is 2:35-48. Were you familiar.  Co Quandaru, did you instruct the officers where to go?  A No.  Co quandaru, did you instruct the officers where to go?  A No.  Co correct.  Page 58  A Correct.  Co But you were not the person who actually placed him in handculf?  A Correct.  Co But you were not the person who actually placed him in handculf?  A Correct.  Co But you were not the person who actually placed him in handculf?  A No.  Correct.  Co But you were not the person who actually placed him in handculf?  A No.  Correct.  Co But you were not the person who actually placed him in handculf?  A No.  Correct.  Co But you were not the person who actually placed him in handculf?  A No.  Correct.  Co But you were not the person who actually placed him in handculf?  A No.  Correct.  Co But you were not the person who actually placed him in handculf?  A No.  Correct.  Co But you were not the person who actually placed him in handculf?  A No.  Correct.  Co But you were not the person who actually placed him in handculf?  A No.  Correct.  Co But you were not the person who actually placed him in handculf?  A No.  Co Han	2	O Did they tell you about the struggle?	2	
4 in custody? 5 O So in the report where there are efferences to pushing and resistance, that's information that was provided to you, not information that you that you actually saw? 6 A Correct. 9 Q So who do you consider the arresting officers to have been look. 10 been? 11 A Well, it would have been me. I would have been me, I would have been done by accident, because it's just a would have been done by accident, because it's just a would have been done by accident, because it's just a would have been done by accident, because it's just a would have been done by accident, because it's just a would have been done by accident, because it's just a would have been done by accident, because it's just a would have been done by accident, because it's just a would have been done by accident, because it's just a would have been done by accident, because it's just a would have been done by accident, because it's just a would have been done by accident, because it's just accident above because it's - there's just have been been done by accident have because it's just accident above because it's - there's just have been been been done by accident have bea	3		3	
So in the report where there are references to pushing and resistance, that's information that was provided to you, not information that you – that you actually save?  A Correct.  O So who do you consider the arresting officers to have been?  Description of the considered the person to initiate it, so that would have been me. I would have had to mate the mite prior to the formation in wide me. I would have been me. I would have had to mate the mite prior to the formation in the would have had to mate the mite prior to the formation in the would have been me. I had would have had to mate the mite prior to the formation in the would have had to mate the mite prior to the formation in the would have been me. I had would have had to mate the mite prior to the formation in the would have been to me. I had would have had to mate t	4		4	
and resistance, that's information that was provided to you, not information that you - that you exhally saw?  A Correct.  S A Correct.  While, it would have been me. I would have been me, look you consider the arresting officers to have been considered the person to initiate it, so that would have been me, look you go that would have been me, look you go that would have been me, look you go the third only one that I know is the one I referred to as transporting the officer, would be Raul Romero.  A Well, it would have been me. I would have been me, look you would be Raul Romero.  O Row, Were going to move to 2:36. All right. It is stopped. Ckay. All right. Here is 2:35:48. Were you familiar with this area?  A K's not not very familiar.  O Okay. Did you when the officers were creating a quadrant, did you instruct the officers where to go?  A No.  Q So it is 1436 at this point, so the suspect is in custody?  A Correct.  Page 58  Page 58  A Correct.  Q But you were not the person who actually placed him in handouffs?  A Correct.  Q But you were not the person who actually placed him in handouffs?  A Correct.  Q Let me ask you what that meant. On the screen there, the Mell of Liberty of the your response.  Page 58  A Correct.  Q Let me ask you what that mean make one, or do you know?  A I would assume, yes.  Q And beside that it has UNMU, what does that mean?  A No.  Q So is there a way or does the system automatically muse at some poin?  A No.  Q So is there a way or does the system automatically muse at some poin?  A R. RALLS: Cbjection; assume — assumes facts not in evidence.  THE WITNESS: It would be — I could do it for a miner feration, seed that the about the case, staff like that, that your again? a button to push. A Correct.  Q D dy you were not the officers were creating a quadrant, did you instruct the officers where to go?  A No.  Q D dy you see mything:  A Correct.  Q D dy you see mything:  A No.  Q D dy you see mything?  A I would assume, yes.  Q And beside that it has UNMU, what does that mean?	5	<u> </u>	5	MR. KOSANOVICH: Object to the form of the
7 information that you – that you actually saw? 8 A Correct. 9 Q So who do you consider the arresting officers to have been? 10 been? 11 A Well, it would have been me. I would have been considered the person to initiate it, so that would have been me. 2 to been? 12 considered the person to initiate it, so that would have been me. 2 to would have been me. 3 to work is the near leferred to as 1 to considered the person to initiate it, so that would have been me. 3 to Q (Br MR. STEWARD:) Do you recall specifically why? 4 transporting the officer, would be Raul Romero. 15 Q Okay, Wêre going to move to 2:36. All right. It stopped. Okay, All right. Here is 2:35-48. Were you familiar with this area? 18 A fix not – not very familiar. 19 Q Okay Did you – when the officers were creating a quadrant, did you instruct the officers where to go? 21 A No. 22 Q So it is 1436 at this point, so the suspect is in 22 quadrant, did you instruct the officers where to go? 23 custody? 24 A Correct. 25 Q Correct?  Page 58 26 A Correct. 27 Q But you were not the person who actually placed him in handcuffs? 28 A Correct. 29 Q But you were not the person who actually placed him in handcuffs? 30 A Correct. 31 Q So you went to the trunk of the vehicle and opened it up, correct? 32 A No. 33 A Thurst me again. 34 A Correct. 35 Q And beside that it has UNMU, what does that mean? 36 A Lot me ask you what that meant. On the screen there, the MIC-1. Does that mean mike one, or do you know? 32 A I would take that as being unmuted. 33 A No. 34 A Correct. 35 Q So so someone would have had to mute the mike prior to 1 this point? 36 A R. R. KOSANOVICH: Objection to form, calls for speculation. 37 A I would take what she ping unmuted that this point? 38 A R. R. KOSANOVICH: Objection to form, calls for speculation. 39 A No. 30 Q So so someone would have had to mute the mike prior to 1 this point? 30 A No. 31 Q G Why were you charmed for the vehicle would believe. 31 A No. 32 Q G Why were you were mothed your mike during your pursuit of the suspect? 31 A	6	•	6	-
9	7	information that you that you actually saw?	7	MR. RALLS: Objection; assume assumes facts not
10 been?  A Well, it would have been me. I would have been me. 11	8	A Correct.	8	in evidence.
11 A Well, it would have been me. I would have been me. I considered the person to initiate it, so that would have been me. I sould have been done by accident, because it's just a button, but I don't know.  10 Qokay. We're going to move to 2.5 A. All right. It is stopped. Okay. All right. Here is 2.35:48. Were you familiar with this area?  11 A K's not - not very familiar.  12 Q Qokay. Did you - when the officers were creating a quadrant, did you instruct the officers where to go?  21 A No.  22 Q So it is 1436 at this point, so the suspect is in custody?  23 custody?  24 A Correct.  25 Q Correct?  26 A Correct.  27 Q But you were not the person who actually placed him in handruffs?  3 handruffs?  4 A Correct.  4 Q But you were not the person who actually placed him in handruffs?  4 A Correct.  5 Q Let me ask you what that meant. On the screen there, the MIC-1. Does that mean mike one, or do you know?  6 Q Day be shat im that what had to mute the mike prior to this point?  1 A No.  1 A No.  1 G So someone would have had to mute the mike prior to this point?  1 A No.  2 Q (BY MR. STEWARD.) Did you have more than one mike?  2 Q And why were you reall specifically why?  2 A No. 1 don't know.  2 A Yes, uti-but.  2 Q So you went to the trunk of the vehicle and opened it up; correct?  3 A Yes, uti-but.  4 Up; correct?  4 A No.  4 Would take that as being unmuted.  5 A Yes, uti-but.  6 Q Did you see anything?  7 A I would take that as being unmuted.  9 A I would take that as being unmuted.  10 Q So is there a way or does the system automatically mute at some point?  11 A No.  22 Q (BY MR. STEWARD.) Did you have more than one mike?  3 A No. 2 (BY MR. STEWARD.) Does - or would K-9 have access to three golf?  4 A No.  20 Q Why would you have muted your mike during your pursuit of the	9	Q So who do you consider the arresting officers to have	9	THE WITNESS: It would be I could do it for a
12 considered the person to initiate it, so that would have been me, 13 but the only one that I know is the one I referred to as 14 transporting the office, would be Raul Romero. 15 Q Okay, We're going to move to 2:36. All right. It 16 stopped. Okay. All right, Here is 2:35:48. Were you familiar 17 with this area? 18 A It's not – not very familiar. 19 Q Okay. Did you – when the officers were creating a 20 quadrant, did you instruct the officers where to go? 21 A No. 22 Q So it is I436 at this point, so the suspect is in 23 custody? 24 A Correct. 25 Q Correct?  Page 58  Page 58  Page 60  Q But you were not the person who actually placed him in 3 handcuffs? 4 A Correct. 4 Q Correct. 5 Q Let me ask you what that meant. On the screen there, 6 the MIC-1. Does that mean mike one, or do you know? A I would take that as being unmuted. 9 Q So is there a way or does the system automatically mute 11 at some point? 12 A No. 13 Q So someone would have had to mute the mike prior to 14 this point? 15 A It would have been me. That's my mike. 16 MR. KOSANOVICH: Objection to form, calls for speculation. 17 Speculation. 18 MR. RALLS: I'm sorry, I couldn't heav your 19 a Let me see. I don't know why.  MR. RALLS: I'm sorry, I couldn't heav your 20 accident, hoeause it's just a button, but I don't know why.  MR. RALLS: I'm sorry, I couldn't heav your 21 a No. 22 Q So it is I436 at this point, so the suspect is in 24 Q And why were you returning to the Camry? 25 A Let me see. I don't know.  Page 58  Page 60  Page	10	been?	10	number of reasons, receiving a personal phone call, talking to
but the only one that I know is the one I referred to as  ransporting the officer, would be Raul Romero.  Qokay, Were going to move to 2236. All right. It stopped. Okay. All right. Here is 2:35:48. Were you familiar with this area?  A R's not - not very familiar.  A R's not - not very familiar.  A No.  Qokay, Whe going to move to 2:36. All right. It is stopped. Okay. Did you - when the officers were creating a quadrant, did you instruct the officers were creating a quadrant, did you instruct the officers where to go?  A No.  Qoso it is 1436 at this point, so the suspect is in custody?  A Correct.  QoCorrect?  Page 58  A Correct.  QoCorrect?  A Correct.  QoCorrect?  A Correct.  QoCorrect.  A Correct.  A Correct.  QoCorrect.  A Correct.  QoCorrect.  A Correct.  A Correct.  QoCorrect.  A Correct.  QoCorrect.  A Correct.  A Correct.  A Correct.  QoCorrect.  A Correct.  CoCorrect.  A Correct.  A Correct.  A Correct.  A Correct.  A Correct.  A Correct.  CoCorrect.  A Correct.  A Correct.  A Correct.  A Correct.  A Correct.  A Correct.  CoCorrect.  A Correct.  CoCorrect.  A Correct.  A Correct.  CoCorrect.  A Ves. Unband.  A Correct.  A Ves.  CoCorrect.  A Not.  A Correct.  A Not.  A Not.  A Not.  A Not.  A Not.  A No	11	A Well, it would have been me. I would have been	11	the detective about the case, stuff like that, that's that
transporting the officer, would be Raul Romero.  15 Q Okay, We're going to move to 2:36. All right. It stopped. Okay, All right. Here is 2:35:48. Were you familiar with this area?  16 A It's not not very familiar.  19 Q Okay. Did you when the officers where to go?  20 quadrant, did you instruct the officers where to go?  21 A No.  22 Q So it is 1436 at this point, so the suspect is in custody?  23 A Correct.  24 A Correct.  25 Q Correct?  26 A Correct.  27 Q But you were not the person who actually placed him in handouffs?  4 A Correct.  29 Q But you were not the person who actually placed him in handouffs?  4 A Correct.  4 Q But you what that meant. On the screen there, the MIC-1. Does that mean mike one, or do you know?  5 Q Let me sak you what that meant. On the screen there, the MIC-1. Does that mean mike one, or do you know?  6 A I would assume, yes.  8 Q And beside that it has URMU, what does that mean?  9 A I would take that as being unmuted.  10 Q So is there a way or does the system automatically mute at some point?  11 A No.  12 A No.  13 Q So someone would have had to mute the mike prior to this point?  14 A No.  15 Q Why would you have muted your mike during your pursuit of the suspect.  16 MR. RALLS: I'm sorry, I couldn't hear your response.  17 The WITINESS: I said, it could have been by accident, she way.  18 MR. RALLS: I'm sorry, I couldn't hear your response.  19 Paccident as been by accident, because it's just a button to but the oble have been by accident, because it's just a button, but I don't know.  19 Paccident as being unsured.  20 (BY MR. STEWARD:) Now, is that you again?  21 A No.  22 Q (BY MR. STEWARD:) Dos or would K-9 have access to three goil?  22 A Yes, uh-huh.  23 Q So so sit is the point; right?  24 A Yes, uh-huh.  25 Oy Did you see anything?  26 Q Did you see anything?  27 A Nothing of value I would believe.  38 Q None of the property that's listed in the police report came from that trunk, did it?  48 A No.  49 A Would so the very and assumes facts not in the point fr	12	considered the person to initiate it, so that would have been me,	12	you're allowed to mute your mike.
15 Q Okay, We're going to move to 2:36. All right. It 16 stopped. Okay. All right. Here is 2:35:48. Were you familiar 17 with this area? 18 A It's not — not very familiar. 19 Q Okay. Did you — when the officers were creating a 19 quadrant, did you instruct the officers where to go? 20 quadrant, did you instruct the officers where to go? 21 A No. 22 Q So it is 1436 at this point, so the suspect is in 23 custedy? 24 A Correct. 25 Q Correct? 26 Q Correct? 27 A Let me see. I don't know. 28 Page 58 29 Q Correct? 29 Q By Mr. STEWARD:) Now, is that you again? 29 A Ves. ub-tub. 20 Q By Mr. STEWARD: 21 A No. 22 Q So shis is the person who actually placed him in 23 handcuffs? 34 A Correct. 45 Q Let me ask you what that meant. On the screen there, 46 the MiC-1. Does that mean mike one, or do you know? 47 A I would assume, yes. 48 Q And beside that it has UNMU, what does that mean? 49 A I would assume, yes. 40 Q So is there a way or does the system automatically mute 41 at some point? 42 A No. 43 Q So someone would have had to mute the mike prior to 44 this point? 45 A It would have been me. That's my mike. 46 MR. RALLS: Yesh, and assumes facts not in 47 evidence. 48 Q Oyby would you have muted your mike during your pursuit 49 Q Why would you have muted your mike during your pursuit 50 Q Why would you have muted your mike during your pursuit 51 A No. 52 Q Why would you have muted your mike during your pursuit 52 Q Why would you have muted your mike during your pursuit 53 A I don't believe this is in the pursuit of the suspect. 54 A I don't believe this is in the pursuit of the suspect. 55 A I don't here were the shotgun previously? 56 A I don't believe the sit in the pursuit of the suspect. 57 A I would view entered the vehicle; 58 C Thank you. 59 A I would have been done by accident, the a button to push. 50 Q B A That's moorry, I could have been by accident also because it's - there's just a button to push. 50 Q B A That's meant. 51 Q You had the keys at this point; right? 52 A Yes, uh-huh. 53 Q You went to the trunk of	13	but the only one that I know is the one I referred to as	13	Q (BY MR. STEWARD:) Do you recall specifically why?
stopped. Okay. All right. Here is 2:35:48. Were you familiar with this area?  17 with this area?  18 A It's not—not very familiar.  19 Q Okay. Did you—when the officers were creating a quadrant, did you instruct the officers where to go?  20 quadrant, did you instruct the officers where to go?  21 A No.  22 Q So it is 1436 at this point, so the suspect is in  23 custody?  23 A That's me again.  24 A Correct.  25 Q Correct?  26 Q Correct?  27 A Let me see. I don't know.  Page 58  Page 60  1 A Correct.  2 Q But you were not the person who actually placed him in  3 handcuffs?  4 A Correct.  2 Q But you were not the person who actually placed him in  3 handcuffs?  4 A Correct.  5 Q Let me ask you what that meant. On the screen there,  4 the MC-1. Does that mean mike one, or do you know?  7 A I would assume, yes.  8 Q And beside that it has UNMU, what does that mean?  9 A I would take that as being unmuted.  10 Q So is there a way or does the system automatically mute  11 at some point?  12 A No.  13 Q So someone would have had to mute the mike prior to  14 this point?  15 A It would have been me. That's my mike.  16 MR RALLS: Yeah, and assumes facts not in  19 evidence.  Q Why would you have muted your mike during your pursuit  20 Q Why would you have muted your mike during your pursuit  21 of the suspect?  22 Q And you've seen the shotgun previously?	14	transporting the officer, would be Raul Romero.	14	A No, I don't know.
17 a button, but I don't know why.  18 A It's not - not very familiar.  9 Q Okay. Did you - when the officers were creating a quadrant, did you instruct the officers where to go?  20 A No.  21 accident also because is - there's just a button to push.  22 Q So it is 1436 at this point, so the suspect is in  23 custody?  24 A Correct.  9 Q Correet?  Page 58  1 A Correct.  Q But you were not the person who actually placed him in  3 handcuffs?  4 A Correct.  Q But you were not the person who actually placed him in  3 handcuffs?  4 A Correct.  Q But you were not the person who actually placed him in  3 handcuffs?  4 A Correct.  Q Let me ask you what that meant. On the screen there,  6 the MIC-1. Does that mean mike one, or do you know?  7 A I would assume, yes.  8 Q And beside that it has UNMU, what does that mean?  9 A I would take that as being unmuted.  10 Q So is there a way or does the system automatically mute  11 at some point?  12 A No.  13 Q So someone would have had to mute the mike prior to  14 this point?  15 A It would have been me. That's my mike.  MR. RALLS: Yeah, and assumes facts not in  19 evidence.  Q (BYMR. STEWARD:) Did you have more than one mike?  A I don't know.  18 MR. RALLS: Tm sorry, I couldn't know your accident also because it a button to push.  20 A The WITNESS: I said, it could have been by accident also because it a better also because it a button to push.  21 Q And why were you returning to the Carnry?  22 A Let me see. I don't know.  Page 60  1 Q You had the keys at this point; right?  2 A Yes, uh-huh.  3 Q So you went to the trunk of the vehicle and opened it up; correct?  4 up; correct?  4 up; correct?  5 A Yes.  6 Q Did you see anything?  A Nothing of value I would believe.  A Nothing of value I would believe.  A None of the property that's listed in the police report of the spoint?  10 A Correct.  11 Q Had you called for K-9 at this point?  12 A No, I didn't.  3 Q Do you know if K-9 assisted based upon what they heard on three limn?  4 I don't know.  18 A I don't know.  19 With	15	Q Okay. We're going to move to 2:36. All right. It	15	Q Thank you.
18	16	stopped. Okay. All right. Here is 2:35:48. Were you familiar	16	A It could have been done by accident, because it's just
19 Q Okay. Did you – when the officers were creating a quadrant, did you instruct the officers where to go? 21 A No. 22 Q So it is 1436 at this point, so the suspect is in custody? 23 custody? 24 A Correct. 25 Q Correct? 26 A Correct. 27 Q But you were not the person who actually placed him in handcuffs? 28 A Correct. 29 Q But you were not the person who actually placed him in handcuffs? 30 Q Eut me ask you what that meant. On the screen there, the MIC-1. Does that mean mike one, or do you know? 31 A I would assume, yes. 32 Q And beside that it has UNMU, what does that mean? 33 Q So you went to the trunk of the vehicle and opened it up; correct? 44 Up; correct? 45 Q Let me ask you what that meant. On the screen there, the MIC-1. Does that mean mike one, or do you know? 46 Q And beside that it has UNMU, what does that mean? 47 A I would assume, yes. 48 Q And beside that it has UNMU, what does that mean? 49 A I would take that as being unmuted. 40 Q So is there a way or does the system automatically mute at some point? 41 A No. 41 Q Had you called for K-9 at this point? 42 A No. 43 Q So someone would have had to mute the mike prior to this point? 44 this point? 45 A It would have been me. That's my mike. 46 MR. KOSANOVICH: Objection to form, calls for speculation. 47 Speculation. 48 A No. 49 Q (BY MR. STEWARD) Did you have more than one mike? 40 Q (BY MR. STEWARD) Did you have more than one mike? 40 Q (BY MR. STEWARD) Did you have more than one mike? 41 A No. 42 Q Why would you have muted your mike during your pursuit of the suspect? 42 A I don't believe this is in the pursuit of the suspect. 43 Correct. 44 Up; correct? 45 A Pean, I think so. 46 Q Do you know if K-9 assisted based upon what they heard on three lima? 46 A I don't believe this is in the pursuit of the suspect. 47 A No thing of value I would have been be not what they heard on three lima? 48 A I don't believe this is in the pursuit of the suspect. 49 A They have access to it, yes. 40 Q So this is the second time you've entered the vehicle; correct?	17	with this area?	17	a button, but I don't know why.
quadrant, did you instruct the officers where to go?  A No.  So it is 1436 at this point, so the suspect is in  custody?  A Correct.  Q Correct?  Page 58  A Correct.  Q But you were not the person who actually placed him in  handcuffs?  A Correct.  Q Let me ask you what that meant. On the screen there,  the MIC-1. Does that mean mike one, or do you know?  A I would assume, yes.  A I would take that is be SUMMU, what does that mean?  A I would take that as being unmuted.  Q So is there a way or does the system automatically mute  at some point?  A No.  Q So somenen would have had to mute the mike prior to  this point?  A It would have been me. That's my mike.  MR. KOSANOVICH: Objection to form, calls for speculation.  A No.  Q Why would you have muted your mike during your pursuit of the suspect.  20 Why would you have muted your mike during your pursuit of the suspect.  21 The WITNESS: I said, it could have been by accident also because it'sthere's just a button to push.  22 Q (BY MR. STEWARD:) Now, is that you again?  23 A That's me again.  24 Q And why were you returning to the Camry?  25 A Let me see. I don't know.  Page 60  Page 60  1 Q You had the keys at this point; right?  2 A Yes, uh-huh.  2 Q You had the keys at this point; right?  2 A Yes, uh-huh.  2 A Yes, uh-huh.  3 Q So you went to the trunk of the vehicle and opened it up; correct?  5 A Yes.  4 Up; correct?  5 A Yes.  6 Q Did you see anything?  7 A Nothing of value I would believe.  8 Q None of the property that's listed in the police report or came from that trunk, did it?  9 came from that trunk, did it?  10 A Correct.  11 Q Had you called for K-9 at this point?  12 A No.  13 Q Do you know if K-9 assisted based upon what they heard on three lima?  A I don't know.  A I don't know.  A I don't know.  A Page 60  THE WITNESS:  A A The Wall have been by  2 A A They have access to it, yes.  2 Q Why would you have muted your mike during your pursuit of the suspect.  2 Q None of the property that's listed in the police report or came from that trunk,	18	A It's not not very familiar.	18	MR. RALLS: I'm sorry, I couldn't hear your
21 A No. 22 Q So it is 1436 at this point, so the suspect is in 23 custody? 24 A Correct. 25 Q Correct?  26 Q Correct?  27 A Let me see. I don't know.  28 Page 58  1 A Correct. 29 Q But you were not the person who actually placed him in 3 handcuffs? 4 A Correct. 4 Q You had the keys at this point; right? 4 A Correct. 5 Q Let me ask you what that meant. On the screen there, 6 the MIC-1. Does that mean mike one, or do you know? 6 Q Did you see anything? 7 A I would assume, yes. 8 Q And beside that it has UNMU, what does that mean? 9 A I would assume that as being unmuted. 10 Q So is there a way or does the system automatically mute 11 at some point? 12 A No. 13 Q So someone would have had to mute the mike prior to this point? 14 It would have been me. That's my mike. 15 A It would have been me. That's my mike. 16 MR, KOSANOVICH: Objection to form, calls for speculation. 17 speculation. 18 MR, RALLS: Yeah, and assumes facts not in evidence. 20 Q (BY MR, STEWARD:) Did you have more than one mike? 21 A No. 22 Q Why would you have muted your mike during your pursuit of the suspect. 24 Q And you've seen the shotgun previously?	19	Q Okay. Did you when the officers were creating a	19	response.
22 Q (BY MR. STEWARD:) Now, is that you again? 23 a A That's me again. 24 A Correct. 25 Q Correct?  26 Page 58  27 A Let me see. I don't know.  Page 60  Pag	20	quadrant, did you instruct the officers where to go?	20	THE WITNESS: I said, it could have been by
custody?  23	21	A No.	21	accident also because it's there's just a button to push.
Page 58  Page 58  Page 60  A Correct.  Q But you were not the person who actually placed him in handcuffs?  A Correct.  Q But you were not the person who actually placed him in handcuffs?  A Correct.  Q But you were not the person who actually placed him in handcuffs?  A Correct.  Q Let me ask you what that meant. On the screen there, the MIC-1. Does that mean mike one, or do you know?  A I would assume, yes.  A I would assume, yes.  A I would take that is bas UNMU, what does that mean?  A I would take that as being unmuted.  Q So is there a way or does the system automatically mute at some point?  A No.  A No.  A No.  A No.  A No.  A I would have been me. That's my mike.  MR. KOSANOVICH: Objection to form, calls for speculation.  MR. RALLS: Yeah, and assumes facts not in evidence.  Q Why would you have muted your mike during your pursuit of the suspect?  A I don't believe this is in the pursuit of the suspect.  A I don't believe this is in the pursuit of the suspect.  A I don't believe this is in the pursuit of the suspect.  A I don't believe this is in the pursuit of the suspect.  A Let me see. I don't know.  Page 60  A Let me see. I don't know.  Page 60  A Ves, uh-huh.  Q You had the keys at this point; right?  A Yes, uh-huh.  A Yes.  A Yes.  A No.  A Nothing of value I would believe.  A None of the property that's listed in the poice report came from that trunk, did it?  A None of the property that's listed in the poice report came from that trunk, did it?  A None of the property that's listed in the poice report came from that trunk, did it?  A None of the property that's listed in the poice report came from that trunk, did it?  A None of the property that's listed in the poice report came from that trunk, did it?  A None of the property that's listed in the poice report came from that trunk, did it?  A None of the property that's listed in the poice report came from that trunk, did it?  A None of the property that's listed in the poice report	22	Q So it is 1436 at this point, so the suspect is in	22	Q (BY MR. STEWARD:) Now, is that you again?
Page 58  Page 58  Page 60  A Correct.  Q But you were not the person who actually placed him in handcuffs?  A Correct.  Q But you were not the person who actually placed him in handcuffs?  A Correct.  A Correct.  Q Let me ask you what that meant. On the screen there, the MIC-1. Does that mean mike one, or do you know?  A I would assume, yes.  Q And beside that it has UNMU, what does that mean?  A I would take that as being unmuted.  Q So is there a way or does the system automatically mute at some point?  A No.  A No.  A No.  A No.  Correct.  A No.  A No.  A No.  Correct.  A No.  Correct.  A No.  Correct.  A No.  Correct.  A No.  A No.  Correct.  A No. Ididn't.  Co Do you know if K-9 assisted based upon what they heard on three lima?  A I don't know.  Correct.  A No.  Correct.  Correct.  A No.  Correct.  Correct.  Correct.  Correct.  Correct.  A No.  Correct.  Correct	'23	custody?	23	A That's me again.
Page 58  Page 60  A Correct.  Q But you were not the person who actually placed him in handcuffs?  A Correct.  Q Let me ask you what that meant. On the screen there, the MIC-1. Does that mean mike one, or do you know?  A I would assume, yes.  A I would take that as being unmuted.  Q So is there a way or does the system automatically mute at a some point?  A No.  Q So someone would have had to mute the mike prior to this point?  A It would have been me. That's my mike.  MR. KOSANOVICH: Objection to form, calls for speculation.  MR. RALLS: Yeah, and assumes facts not in evidence.  Q Why would you have muted your mike during your pursuit of the suspect.  Page 60  1 Q You had the keys at this point; right?  A Yes, uh-huh.  Q So you went to the trunk of the vehicle and opened it up; correct?  A Yes.  A Yes.  A Yes.  A Yes.  A Ves.  A Nothing of value I would believe.  Q None of the property that's listed in the police report came from that trunk, did it?  A Correct.  A Correct.  A Correct.  A Correct.  A No, Ididn't.  A No, Ididn't.  A Idon't know.  MR. KOSANOVICH: Objection; form, calls for speculation.  MR. KOSANOVICH: Objection; form, calls for speculation.  MR. KOSANOVICH: Objection; form, calls for speculation.  A They have access to it, yes.  Q So this is the second time you've entered the vehicle; correct?  A Yea.  A Yes.  A Yes.  A Yes.  A Yes.  A Nothing of value I would believe.  A No, Ididn't.  A No, Ididn't.  A No, Ididn't.  A Idon't know.  MR. KOSANOVICH: Objection; form, calls for speculation.  A Idon't know.  A They have access to it, yes.  Q So this is the second time you've entered the vehicle; correct?  A Yea.  A Yeah, I think so.  A Yeah, I think so.  Q And you've seen the shotgun previously?	24	A Correct.	24	Q And why were you returning to the Camry?
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		•		•
25 I believe nes aiready 25 A Un-huh.	1 74			

1	Page 61		Page 63
1	Q When do you discover the baggy of meth?	1	A He I don't know. Probably he was just working
2	A I believe shortly after this right here.	2	the case probably also.
3	Q And what's the procedure for the SWAT officers when	3	Q And did you know him before May the 20th, 2014?
4	they discover drugs or a weapon?	4	A Yes. Yes.
5	MR. RALLS: Objection; compound.	5	Q And do you have any understanding as to his experience
6	THE WITNESS: Just like any policeman, just to	6	level?
7	observe the evidence and collect it or have just have it	7	A No.
8	collected. It doesn't necessarily have to be by you, somebody	8	Q Or his assignment on that date?
9	else.	9	A I don't know his exact assignment that day, no.
10	Q (BY MR. STEWARD:) The officers that assisted you,	10	Q Generally, what do you think it was?
11	where did they park?	11	A He would be assigned to the same unit that was
12	A I don't know.	12	following the suspect; it would have been HITDA.
13	Q Were the officers that assisted you plain clothes?	13	Q And what does that unit generally do?
14	A There was both, uniform and patrol, or covert.	14	A I don't know their mission statement. I do not know.
15	Q Okay. What does mike-1 mute mean?	15	Q Do you know if Garcia had pursued the suspect in
16	A I would have muted my mike.	16	addition to you?
17	Q And after viewing this, can you tell us how you muted	17	A Don't know.
18	it?	18	Q Do you know if Officer Garcia removed anything from the
19	A No, I don't know. It would have been with my hand. I	19	vehicle?
20	just don't see it. If you play it, I can	20	A No, I'm not sure. He may have been the one that
21	Q Okay.	21	collected the evidence, or it could have been somebody else. I'm
22	A I don't know.	22	not sure.
23	Q At this point, it doesn't appear that you're talking on	23	Q He was not, though, involved in the apprehension of the
24	your radio; correct?	24	suspect?
25	A I'm not on my radio, correct.	25	A No, uh-huh.
	Page 62		Page 64
1	Q And you're not on your cell phone?	1	
1 2	<ul><li>Q And you're not on your cell phone?</li><li>A Correct.</li></ul>	1 2	Q And as far as you know, he was not involved in the interaction with my client, Roger Carlos?
			Q And as far as you know, he was not involved in the
2	A Correct.	2	Q And as far as you know, he was not involved in the interaction with my client, Roger Carlos?
2	A Correct. Q Do you know who that is?	2	Q And as far as you know, he was not involved in the interaction with my client, Roger Carlos?  A As far as I know.
2 3 4	<ul><li>A Correct.</li><li>Q Do you know who that is?</li><li>A No.</li></ul>	2 3 4	Q And as far as you know, he was not involved in the interaction with my client, Roger Carlos?  A As far as I know. Q A second patrol car arrives. Do you see that?
2 3 4 5	<ul><li>A Correct.</li><li>Q Do you know who that is?</li><li>A No.</li><li>Q It's not a police officer?</li></ul>	2 3 4 5	Q And as far as you know, he was not involved in the interaction with my client, Roger Carlos?  A As far as I know.  Q A second patrol car arrives. Do you see that?  A Yes.
2 3 4 5 6	<ul> <li>A Correct.</li> <li>Q Do you know who that is?</li> <li>A No.</li> <li>Q It's not a police officer?</li> <li>A No. He's an employee of Rudy's. I don't know who he</li> </ul>	2 3 4 5	Q And as far as you know, he was not involved in the interaction with my client, Roger Carlos?  A As far as I know. Q A second patrol car arrives. Do you see that? A Yes. Q Do you know who is in that vehicle?
2 3 4 5 6 7	<ul> <li>A Correct.</li> <li>Q Do you know who that is?</li> <li>A No.</li> <li>Q It's not a police officer?</li> <li>A No. He's an employee of Rudy's. I don't know who he is, though.</li> </ul>	2 3 4 5 6 7	Q And as far as you know, he was not involved in the interaction with my client, Roger Carlos?  A As far as I know. Q A second patrol car arrives. Do you see that? A Yes. Q Do you know who is in that vehicle? A Not yet.
2 3 4 5 6 7 8 9	<ul> <li>A Correct.</li> <li>Q Do you know who that is?</li> <li>A No.</li> <li>Q It's not a police officer?</li> <li>A No. He's an employee of Rudy's. I don't know who he is, though.</li> <li>Q Did you ever go back to Rudy's and ask if Rudy's had</li> </ul>	2 3 4 5 6 7 8	Q And as far as you know, he was not involved in the interaction with my client, Roger Carlos?  A As far as I know. Q A second patrol car arrives. Do you see that? A Yes. Q Do you know who is in that vehicle? A Not yet. Q Who is that? A Frank Rodriguez. Q Now, was Officer Rodriguez in SWAT?
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	Page 65		Page 67
1	don't see me doing anything. It could be in my pocket and doing	1	Q Did you ever determine if that vehicle was stolen?
2	it on its own. I don't know. I don't see my hand going towards	2	A No, it wasn't stolen.
3	the microphone, so it could be in my pocket and doing it itself.	3	Q Do you have any idea what he is doing at this point?
4	Q Was one officer assigned to securing the property and	4	A He might be relocating it, getting it out of the way.
5	the drugs that were in that vehicle?	5	I don't know.
6	A One officer?	6	Q And the footage endings in a few seconds. It's
7	Q Right.	7	3:25:20. Are you aware of any footage beyond that footage?
8	A One officer will eventually collect the evidence and	8	A No.
9	Q Did you know who that was going to be at this point?	9	Q Are there any policies or procedures which indicate how
10	A No. If I could hear the audio, maybe that's what we	10	long or how much footage needs to be taken of a scene like this?
11	were discussing, but I don't know.	11	A I don't think there's a time limit.
12	Q Why does that officer put gloves on	12	Q When was the first time you saw that COBAN footage?
13	MR. KOSANOVICH: Objection; form.	13	A This is the first time I've seen all that footage.
14	Q (BY MR. STEWARD:) if you know?	14	Q You hadn't seen the footage after he ditched the
15	MR. RALLS: Same objection.	15	vehicle; right?
16	THE WITNESS: I don't know. So his hands don't	16	A Correct, yeah.
17	get evidence on it or whatever.	17	Q Have you seen any photographs of the suspect after he
18	Q (BY MR. STEWARD:) Do you recognize the officer with	18	was taken into custody?
19	the K-9 unit?	19	A No.
20	A Not yet. Maybe keep playing.	20	Q Do you know what his condition was when he was taken to
21	Q Does that help you identify?	21	the hospital?
22	A That was Officer Trigo.	22 23	A No.
24	Q Do you know, one way or the other, if the suspect was still at the scene at 2:51?	24	Q Do you believe that an officer has to determine if a suspect is compliant or non-compliant before they determine the
25	A I don't know. I don't see him.	25	amount of force to be used to apprehend that suspect?
2.3	A Tubil know. Tubil see iiiii.	2.7	amount of force to be used to apprehend that suspect:
	Page 66		Page 68
1	Page 66 Q Who is that?	1	Page 68 MR. KOSANOVICH: Objection to form of the
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2	<ul><li>Q Who is that?</li><li>A Detective Valdez.</li></ul>	· 2	MR. KOSANOVICH: Objection to form of the question.
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	Page 69		Page 71
1	one more time?	1	jeans.
2	Q (BY MR. STEWARD:) Sure. Based upon your training and	2	Q (BY MR. STEWARD:) Did you believe that the description
3	experience, in May of 2014, does a San Antonio police officer	3	of a white T-shirt and blue jeans was sufficient for the other
4	secure the suspect before he or she determines whether the	4	officers to arrest the correct suspect?
5	suspect is compliant or not?	5	MR. KOSANOVICH: Objection; form of the question.
6	MR. RALLS: Objection; overly broad and vague.	6	THE WITNESS: I gave the best description I could.
7	THE WITNESS: They were hopefully, have a	7	Q (BY MR. STEWARD:) Did you provide the other officers
8	compliant suspect when they place them under arrest or detain	8	with the name of the suspect?
9	them. Is it okay if I use the restroom?	9	A No.
10	MR. RALLS: Sure.	10	Q Were you provided with the name of the suspect?
11	MR. STEWARD: Sure.	11	A No.
12	THE VIDEOGRAPHER: Time is 11:56 a.m. We're off	12	Q You were provided with a description of the Camry;
13	the record.	13	correct?
14	(Recess taken)	14	A Yes.
15	THE VIDEOGRAPHER: Time is 12:02 p.m. We're back	15	Q And you knew that this suspect was driving a gold
16	on the record.	16	Camry?
17	Q (BY MR. STEWARD:) Just a few more questions, Officer.	17	A Yes.
18	When you pulled into the parking lot at Rudy's, did you provide a	18	Q Did you have a license plate for that Camry?
19	description of the suspect?	19	A Are you talking about beforehand?
20	A Yes.	20	Q Right.
21	Q What was that description?	21	A No, I don't believe so.
22	A White shirt, blue jeans.	22	Q Do you know where the suspect was hiding when the
23	Q Anything else?	23	officers found him?
24	A No.	24	A Yes. I know where he was at.
25	Q Did you identify him as a Latin or Hispanic male?	25	Q Do you know if any of the officers that found him drew
		1	
	Page 70		Page 72
1	A No.	1	Page 72 their service revolvers?
1 2		1 2	
	A No.		their service revolvers?
2	A No. Q Was that information that was available to you?	2	their service revolvers?  A I don't know.
2	<ul><li>A No.</li><li>Q Was that information that was available to you?</li><li>A No. On that, I don't know. I'd have to listen to</li></ul>	2	their service revolvers?  A I don't know.  Q And just so I'm sure, you did not witness the struggle
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2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18	A No. Q Was that information that was available to you? A No. On that, I don't know. I'd have to listen to the the actual audio part of that to know if I said Latin male or not. Q Well, backing up, did you have information through the MDT as to the suspect's race and description? A No. I don't believe DeLeon gave me his information. Q And you weren't able to look that up on a computer A Correct. Q during the pursuit? A Correct. Q Did you ever look it up after? A Sure. Q When you typed in the report? A I'm sure, yeah. Q Okay. Did you believe that the description of a white suit (Sic) and blue jeans was sufficient for other police officers to arrest the correct suspect?	2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18	their service revolvers?  A I don't know.  Q And just so I'm sure, you did not witness the struggle between the suspect and those officers?  A No.  Q Where were you located?  A On the parking lot.  Q Right.  A Yes.  Q So you were actually you had asphalt under your feet?  A Yes. I can elaborate a little bit further on.  Q Sure, please.  A Somebody in the parking lot, a civilian, had told me, he just ran across to the woods. So I ended up running towards where he was at, but other officers had already found him.  Q So after you get out of the vehicle you first go to the Camry, secure the keys. Then you turn around and you leave the viewpoint of the COBAN system?
2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20	A No. Q Was that information that was available to you? A No. On that, I don't know. I'd have to listen to the the actual audio part of that to know if I said Latin male or not. Q Well, backing up, did you have information through the MDT as to the suspect's race and description? A No. I don't believe DeLeon gave me his information. Q And you weren't able to look that up on a computer A Correct. Q during the pursuit? A Correct. Q Did you ever look it up after? A Sure. Q When you typed in the report? A I'm sure, yeah. Q Okay. Did you believe that the description of a white suit (Sic) and blue jeans was sufficient for other police officers to arrest the correct suspect? MR. RALLS: Objection; form.	2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20	their service revolvers?  A I don't know.  Q And just so I'm sure, you did not witness the struggle between the suspect and those officers?  A No.  Q Where were you located?  A On the parking lot.  Q Right.  A Yes.  Q So you were actually you had asphalt under your feet?  A Yes. I can elaborate a little bit further on.  Q Sure, please.  A Somebody in the parking lot, a civilian, had told me, he just ran across to the woods. So I ended up running towards where he was at, but other officers had already found him.  Q So after you get out of the vehicle you first go to the Camry, secure the keys. Then you turn around and you leave the viewpoint of the COBAN system?  A Uh-huh.
2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20 21	A No. Q Was that information that was available to you? A No. On that, I don't know. I'd have to listen to the the actual audio part of that to know if I said Latin male or not. Q Well, backing up, did you have information through the MDT as to the suspect's race and description? A No. I don't believe DeLeon gave me his information. Q And you weren't able to look that up on a computer A Correct. Q during the pursuit? A Correct. Q Did you ever look it up after? A Sure. Q When you typed in the report? A I'm sure, yeah. Q Okay. Did you believe that the description of a white suit (Sic) and blue jeans was sufficient for other police officers to arrest the correct suspect?  MR. RALLS: Objection; form. MR. KOSANOVICH: Objection; form.	2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20 21	their service revolvers?  A I don't know.  Q And just so I'm sure, you did not witness the struggle between the suspect and those officers?  A No.  Q Where were you located?  A On the parking lot.  Q Right.  A Yes.  Q So you were actually you had asphalt under your feet?  A Yes. I can elaborate a little bit further on.  Q Sure, please.  A Somebody in the parking lot, a civilian, had told me, he just ran across to the woods. So I ended up running towards where he was at, but other officers had already found him.  Q So after you get out of the vehicle you first go to the Camry, secure the keys. Then you turn around and you leave the viewpoint of the COBAN system?  A Uh-huh.  Q At what point does this civilian tell you that they
2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20 21 22	A No. Q Was that information that was available to you? A No. On that, I don't know. I'd have to listen to the the actual audio part of that to know if I said Latin male or not. Q Well, backing up, did you have information through the MDT as to the suspect's race and description? A No. I don't believe DeLeon gave me his information. Q And you weren't able to look that up on a computer A Correct. Q during the pursuit? A Correct. Q Did you ever look it up after? A Sure. Q When you typed in the report? A I'm sure, yeah. Q Okay. Did you believe that the description of a white suit (Sic) and blue jeans was sufficient for other police officers to arrest the correct suspect?  MR. RALLS: Objection; form. MR. KOSANOVICH: Objection; form. MR. RALLS: Yeah.	2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20 21 22	their service revolvers?  A I don't know.  Q And just so I'm sure, you did not witness the struggle between the suspect and those officers?  A No.  Q Where were you located?  A On the parking lot.  Q Right.  A Yes.  Q So you were actually you had asphalt under your feet?  A Yes. I can elaborate a little bit further on.  Q Sure, please.  A Somebody in the parking lot, a civilian, had told me, he just ran across to the woods. So I ended up running towards where he was at, but other officers had already found him.  Q So after you get out of the vehicle you first go to the Camry, secure the keys. Then you turn around and you leave the viewpoint of the COBAN system?  A Uh-huh.  Q At what point does this civilian tell you that they just saw the suspect?
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	Page 73		Page 75
1	A I would have to listen to the actual audio, but start	1	A None in great detail, but they were found
2	going towards where he pointed to.	2	Q What do you remember?
3	Q Did you see him hiding?	3	A they were found well, I don't know how you not
4	A At the time that person said it?	4	guilty or inconclusive, whatever you want to call it.
5	Q Right.	5	Q Were they dismissed?
6	A No, no.	6	A I don't know if that's considered like a judgment, but
7	Q At some point afterwards, did you see him hiding?	7	it's either, I think, inconclusive or something else or in
8	A When I ended up making the scene of the arrest, yes.	8	MR. RALLS: Unfounded.
9	Q So was he hiding in the woods?	9	THE WITNESS: Unfounded. There you go.
10	A Yes.	10	Unfounded.
11	Q How far into the woods?	11	Q (BY MR. STEWARD:) So they never made it the chief's
12	MR. KOSANOVICH: Objection; calls for speculation.	12	Advisory Action Board?
13	THE WITNESS: Yeah. About 10, 15 yards from the	13	A No, I was
14	access road into the woods, maybe 20 yards.	14	MR. KOSANOVICH: Objection; form.
15	Q (BY MR. STEWARD:) So the distance where he was located	15	THE WITNESS: I was found not to have committed
16	was 10 to 15 yards from the access road?	16	the violation.
17	A Correct.	17	Q (BY MR. STEWARD:) Was a statement taken from you?
18	Q How far was it from the parking lot?	18	A I'm sure, yes.
19	A From the end of the parking lot?	19	Q And were you asked about the facts and circumstances of
20	Q Right.	20	your involvement with the complainant?
21	A 30, 40 yards, maybe.	21	A Of those cases?
22	Q From that location, could you see the fire department?	22	Q Right.
23	A No.	23	A Yes.
24	Q Have you ever evaluated another officer for their use	24	Q Were you involved or contacted by internal affairs with
25	of force?	25	respect to the investigation of Chavez, Gonzalez, and Detective
		-	
	Page 74		Page 76
1	A No.	1	John Doe?
2	Q Have you ever been investigated by internal affairs?	2	A No.
3	A Yes.	3	Q Were you aware of an internal affairs investigation
4	Q When?	4	into those officers?
5	A Earlier in my career. I don't know exactly when.	5	
6	Q Generally, for what?		A I knew they went to internal affairs, yes.
		6	Q In your internal affairs investigation, after your
7	A I've had a few use of force complaints.	7	Q In your internal affairs investigation, after your statement, were you asked specifically if you believe that the
8	A I've had a few use of force complaints.  Q And the last use of force complaint against you would	7 8	Q In your internal affairs investigation, after your statement, were you asked specifically if you believe that the charges were well founded?
	A I've had a few use of force complaints.  Q And the last use of force complaint against you would have been approximately when?	7 8 9	Q In your internal affairs investigation, after your statement, were you asked specifically if you believe that the charges were well founded?  MR. KOSANOVICH: Objection to form of the
8	A I've had a few use of force complaints.  Q And the last use of force complaint against you would have been approximately when?  A More than 10 years ago. I haven't been complained on	7 8	Q In your internal affairs investigation, after your statement, were you asked specifically if you believe that the charges were well founded?
8 9 10 11	A I've had a few use of force complaints.  Q And the last use of force complaint against you would have been approximately when?  A More than 10 years ago. I haven't been complained on since I got on patrol prior to SWAT.	7 8 9 10 11	Q In your internal affairs investigation, after your statement, were you asked specifically if you believe that the charges were well founded?  MR. KOSANOVICH: Objection to form of the question.  THE WITNESS: I don't know. Which case are you
8 9 10	A I've had a few use of force complaints.  Q And the last use of force complaint against you would have been approximately when?  A More than 10 years ago. I haven't been complained on since I got on patrol prior to SWAT.  Q So prior to SWAT?	7 8 9 10	Q In your internal affairs investigation, after your statement, were you asked specifically if you believe that the charges were well founded?  MR. KOSANOVICH: Objection to form of the question.  THE WITNESS: I don't know. Which case are you referring to?
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8 9 10 11 12	A I've had a few use of force complaints.  Q And the last use of force complaint against you would have been approximately when?  A More than 10 years ago. I haven't been complained on since I got on patrol prior to SWAT.  Q So prior to SWAT?  A Prior to SWAT, yeah.  Q Okay. Let me state it a different way. Since you've	7 8 9 10 11 12	Q In your internal affairs investigation, after your statement, were you asked specifically if you believe that the charges were well founded?  MR. KOSANOVICH: Objection to form of the question.  THE WITNESS: I don't know. Which case are you referring to?  Q (BY MR. STEWARD:) Any of the three.  A Of my cases?
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8 9 10 11 12 13	A I've had a few use of force complaints.  Q And the last use of force complaint against you would have been approximately when?  A More than 10 years ago. I haven't been complained on since I got on patrol prior to SWAT.  Q So prior to SWAT?  A Prior to SWAT, yeah.  Q Okay. Let me state it a different way. Since you've	7 8 9 10 11 12 13 14	Q In your internal affairs investigation, after your statement, were you asked specifically if you believe that the charges were well founded?  MR. KOSANOVICH: Objection to form of the question.  THE WITNESS: I don't know. Which case are you referring to?  Q (BY MR. STEWARD:) Any of the three.  A Of my cases?  Q Right. Okay.  A Okay. Repeat your question again.
8 9 10 11 12 13 14 15	A I've had a few use of force complaints.  Q And the last use of force complaint against you would have been approximately when?  A More than 10 years ago. I haven't been complained on since I got on patrol prior to SWAT.  Q So prior to SWAT?  A Prior to SWAT, yeah.  Q Okay. Let me state it a different way. Since you've been with SWAT, there have not been any use of force complaints made against you?  A Correct.	7 8 9 10 11 12 13 14 15	Q In your internal affairs investigation, after your statement, were you asked specifically if you believe that the charges were well founded?  MR. KOSANOVICH: Objection to form of the question.  THE WITNESS: I don't know. Which case are you referring to?  Q (BY MR. STEWARD:) Any of the three.  A Of my cases?  Q Right. Okay.
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8 9 10 11 12 13 14 15 16	A I've had a few use of force complaints.  Q And the last use of force complaint against you would have been approximately when?  A More than 10 years ago. I haven't been complained on since I got on patrol prior to SWAT.  Q So prior to SWAT?  A Prior to SWAT, yeah.  Q Okay. Let me state it a different way. Since you've been with SWAT, there have not been any use of force complaints made against you?  A Correct.	7 8 9 10 11 12 13 14 15 16	Q In your internal affairs investigation, after your statement, were you asked specifically if you believe that the charges were well founded?  MR. KOSANOVICH: Objection to form of the question.  THE WITNESS: I don't know. Which case are you referring to?  Q (BY MR. STEWARD:) Any of the three.  A Of my cases?  Q Right. Okay.  A Okay. Repeat your question again.  Q Sure. With respect to the complaints that were made  A Against me.  Q against you
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8 9 10 11 12 13 14 15 16 17 18 19 20	A I've had a few use of force complaints.  Q And the last use of force complaint against you would have been approximately when?  A More than 10 years ago. I haven't been complained on since I got on patrol prior to SWAT.  Q So prior to SWAT?  A Prior to SWAT, yeah.  Q Okay. Let me state it a different way. Since you've been with SWAT, there have not been any use of force complaints made against you?  A Correct.  Q And as such, internal affairs has not investigated you for any use of force complaints since 2006?  A Correct.	7 8 9 10 11 12 13 14 15 16 17 18 19 20	Q In your internal affairs investigation, after your statement, were you asked specifically if you believe that the charges were well founded?  MR. KOSANOVICH: Objection to form of the question.  THE WITNESS: I don't know. Which case are you referring to?  Q (BY MR. STEWARD:) Any of the three.  A Of my cases?  Q Right. Okay.  A Okay. Repeat your question again.  Q Sure. With respect to the complaints that were made  A Against me.  Q against you  A Uh-huh.
8 9 10 11 12 13 14 15 16 17 18 19 20	A I've had a few use of force complaints.  Q And the last use of force complaint against you would have been approximately when?  A More than 10 years ago. I haven't been complained on since I got on patrol prior to SWAT.  Q So prior to SWAT?  A Prior to SWAT, yeah.  Q Okay. Let me state it a different way. Since you've been with SWAT, there have not been any use of force complaints made against you?  A Correct.  Q And as such, internal affairs has not investigated you for any use of force complaints since 2006?  A Correct.  Q Prior to 2006, there were two use of force complaints	7 8 9 10 11 12 13 14 15 16 17 18 19 20 21	Q In your internal affairs investigation, after your statement, were you asked specifically if you believe that the charges were well founded?  MR. KOSANOVICH: Objection to form of the question.  THE WITNESS: I don't know. Which case are you referring to?  Q (BY MR. STEWARD:) Any of the three.  A Of my cases?  Q Right. Okay.  A Okay. Repeat your question again.  Q Sure. With respect to the complaints that were made  A Against me.  Q against you  A Uh-huh.  Q did you believe that the complaints were valid?
8 9 10 11 12 13 14 15 16 17 18 19 20 21 22	A I've had a few use of force complaints.  Q And the last use of force complaint against you would have been approximately when?  A More than 10 years ago. I haven't been complained on since I got on patrol prior to SWAT.  Q So prior to SWAT?  A Prior to SWAT, yeah.  Q Okay. Let me state it a different way. Since you've been with SWAT, there have not been any use of force complaints made against you?  A Correct.  Q And as such, internal affairs has not investigated you for any use of force complaints since 2006?  A Correct.  Q Prior to 2006, there were two use of force complaints made against you?	7 8 9 10 11 12 13 14 15 16 17 18 19 20 21 22	Q In your internal affairs investigation, after your statement, were you asked specifically if you believe that the charges were well founded?  MR. KOSANOVICH: Objection to form of the question.  THE WITNESS: I don't know. Which case are you referring to?  Q (BY MR. STEWARD:) Any of the three.  A Of my cases?  Q Right. Okay.  A Okay. Repeat your question again.  Q Sure. With respect to the complaints that were made  A Against me.  Q against you  A Uh-huh.  Q did you believe that the complaints were valid?  A No.

	Page 77		Page 79
1	A I can't say that.	1	A Not that I know of.
2	Q Well, if you didn't if you didn't believe that you	2	Q Did you receive any injuries?
3	had done anything wrong, you certainly would have wouldn't	3	A No. It says that EMS made the location and treated the
4	have agreed with the recommendation from the Chief that you be	4	AP, so EMS was called for the suspect we were chasing.
5	suspended for five, 10, or 15 days?	5	Q Did you actually see EMS treating the suspect?
6	MR. RALLS: Objection; calls for speculation.	6	A Not that I remember.
7	THE WITNESS: No. Some of those decisions are	7	Q Do you know what the results of the X-rays at the Brady
8	made financially. You can't afford to be suspended from what	8	Green for the suspect were?
9	you're being told so you're given an offer, and financially you	9	A No.
10	have to make decisions based on your family, and sometimes you	1.0	MR. STEWARD: I'll pass the Witness.
11	have to swallow a pill and take what is given to you.	11	MR. KOSANOVICH: We'll reserve all our questions
12	Q (BY MR. STEWARD:) So it may not be a matter of whether	12	until the time of trial.
13	you think it's valid or not, from a financial standpoint, you, as	13	MR. RALLS: I'll reserve mine until trial.
14	the officer, may feel that you don't have an alternative?	14	THE VIDEOGRAPHER: Time is 12:14 p.m. We are off
15	A Correct.	15	the record.
16	Q And you don't know, one way or the other, if that is	16	(Proceedings concluded).
17	why Officer Chavez or Gonzalez or Detective John Doe agreed to	17	
18	suspensions from the Chief, do you?	18	
19	A I don't know why they what if they did what they	19	
20	did. I don't know.	20	
21	Q Did you ever have a conversation with the suspect after	21	
22	he was taken into custody?	22	
23	A The suspect that I was chasing?	23	
24	Q Right.	24	
25	A I don't believe so.	25	
	Page 78		Page 80
1	Page 78  Q At the point where the suspect you were chasing was	1	CHANGES AND SIGNATURE
1 2		1 2 3	
	Q At the point where the suspect you were chasing was	2 3 4	CHANGES AND SIGNATURE WITNESS NAME: JAMES YBARRA
2	Q At the point where the suspect you were chasing was taken into custody, there were no other suspects, were there?	2 3	CHANGES AND SIGNATURE WITNESS NAME: JAMES YBARRA DATE OF DEPOSITION: JANUARY 31, 2017
2	Q At the point where the suspect you were chasing was taken into custody, there were no other suspects, were there?  A He was by himself.	2 3 4	CHANGES AND SIGNATURE WITNESS NAME: JAMES YBARRA DATE OF DEPOSITION: JANUARY 31, 2017
2 3 4	Q At the point where the suspect you were chasing was taken into custody, there were no other suspects, were there?  A He was by himself.  Q But once he was taken into custody, the individual that	2 3 4 5	CHANGES AND SIGNATURE WITNESS NAME: JAMES YBARRA DATE OF DEPOSITION: JANUARY 31, 2017
2 3 4 5	Q At the point where the suspect you were chasing was taken into custody, there were no other suspects, were there?  A He was by himself.  Q But once he was taken into custody, the individual that you were pursuing was no longer a risk to anyone else?	2 3 4 5 6	CHANGES AND SIGNATURE WITNESS NAME: JAMES YBARRA DATE OF DEPOSITION: JANUARY 31, 2017
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	Page 81		Page 83
1	IN THE UNITED STATES DISTRICT COURT	1	FURTHER CERTIFICATION
	FOR THE WESTERN DISTRICT OF TEXAS	2	The original deposition transcript with corrections ( )
2	SAN ANTONIO DIVISION	3	was ( ) was not returned pursuant to the Rules, and the ( )
3	ROGELIO CARLOS, III AND *	4	original transcript ( ) copy of nonsignature certificate to be
	MYRNA CARLOS *	5	attached to the attorney's copy of the deposition was mailed by
4	*	6	UPS to the custodial attorney, Brian C. Steward, for safekeeping
	VS. * CIVIL ACTION	7	and use at trial.
5	* NO. 5:16-CV-00251-FB	8	If returned, the attached Changes and Signature page
-	CARLOS GUANEZ MIRCHIO	9	contains any changes and the reasons therefor;
6	CARLOS CHAVEZ, VIRGILIO *	10	That \$ is the deposition officer's charges to
7	GONZALEZ, JAMES YBARRA, MARK * DELGADO, CITY OF SAN ANTONIO, *	11	Brian C. Steward for preparing the original deposition transcript
,	SAN ANTONIO POLICE DEPARTMENT *	12	and any copies of exhibits;
8	AND DETECTIVE JOHN DOE *	13	That the deposition was delivered in accordance with
9		14	the Federal Rules of Civil Procedure, and that a copy of this
10	REPORTER'S CERTIFICATE	15	certificate was served on all parties shown herein on and filed
11	DEPOSITION OF JAMES YBARRA	16	with the Clerk.
12	JANUARY 31, 2017	17 18	Certified by me this day of, 20
13		19	
14	I, DARLENE ZUEHL, a Certified Shorthand Reporter in and	19	Ocales 2 Rl
15	for the State of Texas, do hereby certify that the foregoing	20	DARLENE ZUEHL, Texas CSR #7505
16	deposition is a full, true and correct transcript;	20	Expiration Date: December 31, 2018
17 18	That the Witness, JAMES YBARRA, was duly sworn by the	21	REPUBLIC SERVICES, INC.
19	officer and that the transcript of the oral deposition is a true record of the testimony given by the Witness;		12108 Radium Street
20	That the deposition transcript was submitted on	22	San Antonio, Texas 78216
21	, 2017, to the witness or to the attorney for		(210) 298-6300 Firm Reg. #649
22	the witness for examination, signature and returned to me by	23	(,
23	, 2017;	24	ORIGINAL NOT VALID
24	That the amount of time used by each party at the		UNLESS SIGNED BY REPORTER
25	deposition is as follows:	25	*
	Page 82		
1	Brian C. Steward - (1 hour, 50 minutes)		
2	That pursuant to information given to the deposition		,
3	officer at the time said testimony was taken, the following		
4	includes counsel for all parties of record:		
5	Brian C. Steward, Phillip G. Bernal, Kris Hufstetler,		
6	Attorneys for Plaintiffs;		
7	N. Mark Ralls, Attorney for Defendants;		,
8	Mark Kosanovich, Attorney for Defendants.		T.
9	I further certify that I am neither counsel for,		1)
10	related to, nor employed by any of the parties or attorneys in		
11	the action in which this proceeding was taken, and further that I		i.
12	am not financially or otherwise interested in the outcome of the		
13	action.		
14	Certified to by me this day of, 20		
15	Parlene Zeukl		
16			
	DARLENE ZUBHL, Texas CSR #7505		
17	Expiration Date: December 31, 2018		
	REPUBLIC SERVICES, INC.		
18	12108 Radium Street		
	San Antonio, Texas 78216		
19	(210) 298-6300 Firm Reg. #649		
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